15 k k.

ACTS
OF
ASSEMBLY,
PASSED in the
Province of *MARYLAND*,
From 1692, to 1715.

G. R.

DIEU ET MON DROIT

LONDON,

Printed by *John Baskett*, Printer to the King's moſt Excellent Majeſty, MDCCXXIII.

MVSEVM
BRITANNICVM

PASSED in the

ASSEMBLY*

OF

ACTS

His Majesty's Royal CHARTER TO THE Lord Baron of *Baltemore*.

20 *June*, 1633.

CAROLUS Dei Gratiâ *Angliæ*, *Scotiæ*, *Franciæ* & *Hiberniæ*, Rex, Fidei Defensor, &c. Omnib' ad quos præsentes Literæ pervenerint, Salutem.

" CUM prædilectus & perquàm fidelis Subditus Noster *Cecil Calvert*, Baro de *Baltemore*, in Regno Nostro *Hiberniæ*, Filius & Hæres *Georgii Calvert*, Milit' nuper Baronis de *Baltemore*, in eodem Regno *Hiberniæ*, Patris inhærens Vestigiis, laudabil' quodam & pio Christianæ Religionis pariter & Imperij Nostri Territoria dilatandi studio flagrans, Licentiam Nobis, ut copiosam *Anglicanæ* Gentis Coloniam, Industriâ & Impens' suâ, ad certam quandam Regionem inferiùs describendam, in " Terra quadam in Partibus *Americæ* hactenus incultâ, & à Barbaris, nullam " Divini Numinis Notitiam habentib' in Partib' occupat' deducere possit, " totamq; illam Regionem cum certis quibusdam Privilegiis & Jurisdictionib' ad " Coloniæ suæ & Regionis prædict' salubre Regimen & Statum pertinen' " à Regiâ nostrâ Celsitudine sibi & Hæredibus suis dari, concedi, & confirmari, " humiliter supplicaverit. " Preamble.

" SCIATIS igitur, quòd Nos Pium & Nobile præfator' Baronum de " *Baltemore*, Propositum & Studium Regis favore prosequentes, & Gratiâ " speciali, certâ Scientiâ, & mero Motu Nostris, Dedimus, Concessimus, & " Confirmavimus, & per hanc præsentem Chartam Nostram, pro Nobis, Hære- " dibus & Successoribus Nostris, præfat' *Cecil* modò Baroni de *Baltemore*, " & Hæredibus & Assign' suis, Damus, Concedimus & Confirmamus totam Grant.

Bounds. " illam Partem Peninſulæ ſive Cherſoneſus jacen' in Partibus *Americæ* inter " Oceanum ex Orien', & Sinum de *Cheſſopeack* ab Occiden' à reſid' ejuſdem per " rectam Lineam, à Promontorio, ſive Capite Terr' vocat' *Watkins Point*, jux- " ta Sinum prædict' prope Fluvium de *Wighco*, ſituat' ab Occiden' uſq; ad " Magnum Oceanum in Plaga Oriental' duct' diviſam, & inter Metam illam à " *Meredie* uſq; ad Partem illam Æſtuarij *de la Ware*, ab Aquilone, quæ ſubjacet " Quadrageſimo Gradui Latitud' *Septentrional'* ab *Æquinoctial'* ubi terminatur " *Nova Anglia*, totumq; ill' Terr' Tractum infra Metas ſubſcript', (*viz.*) " tranſeund' à dicto *Æſtuario*, vocat' *de la Ware Bay*, rectâ Lineâ per Gradum " prædict' uſq; ad verum Meridianum primi Fontis Fluminis de *Pattowomack*, " deinde vergendo verſus Meridiem ad ulterior' dicti Fluminis Ripam, & eam " ſequendo quâ Plagam Occidental' & Meridional' ſpectat uſq; ad Locum " quendam appellatum *Cinquac*, prope ejuſdem Fluminis Oſtium ſituat', ubi " in præfat' Sinum de *Cheſſopeack* evolvitur, ac inde per Lineam breviſſimam uſq; Excepted. " ad prædict' Promontorium, ſive Locum vocat' *Watkins Point*: Ita quod " tot' Terr' Tractus per Lineam prædict' inter Magnum Oceanum & *Watkins* " *Point* diviſus uſq; ad Promontorium, vocat' *Cape Charles*, & ſingula ſua Ap- " pendicia Nobis, Hæred' & Succeſſoribus Noſtris, integrè remanen' except' " imperpetuum; Necnon omn' Inſulas, Inſululas infra Limites prædictos."

Royalties. " Concedimus etiam & Confirmamus eidem Baroni de *Baltemore*, Hære- " dib' & Aſſignat' ſuis, Omnes & Singulas Inſulas & Inſululas ab Oriental' prædict' " Regionis littore Orientem verſus, in Mari natas vel naſcendas, infra decem " Leucas marinas ab eodem Littore ſituatas, cum omnibus & ſingulis Portub' " Navium Stationib' Æſtuarijs, Fluminib' & Fretis, ad Regionem vel " Inſulas prædict' pertinen': Omneſq; Fundos, Terr', Campeſtria, Sylvas, " Montana, Paludes, Lacus, Flumina, Æſtuar' & Freta, infra Metas, Ter- " min', & Limites prædict' ſituat' ſeu exiſten', cum cujuſcunq; generis piſcium " tam Balænarum, Sturgionum, & al' Regalium, quam aliorum in Mari, Sinubus, " Fretis, vel Fluminibus infra præmiſs' Piſcationibus & Piſce ibidem capto; " Omneſq; inſuper Auri, Argenti, Gemmarum, & Lapidum pretioſorum, & " al' quaſcunq; ſive Lapidum ſive Metallorum, ſive alterius cujuſcunq; rei aut " Mater' Venas, Mineras, & Fodinas, tam apertas quam occultas, infra Re- " gionem, Inſulas ſeu Limites prædict' repert' & reperiend."

Eccleſiaſtical Power. " Et hoc ampliùs omn' Eccleſiarum, quas, creſcente Chriſti Cultu & " Religione, infra dict' Regionem, Inſulas, Inſululas, & Limites prædict' futuris " temporibus ædificari contigerit Patronatus & Advocationes, unà cum Licentiâ " & Facultate Eccleſias, Capellas & Oratoria, in locis infra præmiſſa congruis & " idoneis, extruendi & fundand', eaq; dedicari & ſacrari juxta Leges Eccleſiaſticas " Regni Noſtri *Angliæ* faciend' cum omnib' & ſingulis ujuſmodi, ac adeo am- " plis' Jurib' Juriſdictionib' Privilegiis, Prærogativis, Regalitat', Libertatib', " Immunitatib', Juribuſq; Regalibus, & *Franches* quibuſcunq; temporalib', " tam per Mare quàm per Terram, infra Regionem, Inſulas, Inſululas " prædict', habendis, exercendis, utendis & gaudendis, prout aliquis Epiſcopus PowerPalatine. " *Dunelmens'* infra Epiſcopatum ſive Comitatum Palatinum *Dunelm'* in Regno " Noſtro *Angliæ*, unquam antehàc habuit, tenuit, uſus, vel gaviſus fuit, ſeu de " Jure habere, tenere, uti, vel gaudere debuit aut potuit."

" Ipsumque modò Baron' de *Baltemore*, & Hæredes ſuos, Regionis " prædict' cæterorumq; omn' præmiſſorum veros & abſolutos Dominos & Allegiance re- " Proprietarios (except' præexcept') Salvâ ſemper Fide & Ligeanciâ ac ſerved. " Domin' directo, Nobis, Hæredib', & Succeſſorib' Noſtris debitis, pro " Nob', Hæred' & Succeſſorib' Noſtris, facimus, creamus, & conſtituimus per " præſentes."

" Haben-

" HABENDUM, tenendum poſſidendum & gaudendum prædict' Regionem, Inſu-
" las, Inſululas, & cætera præmiſſa, præfato modò Baroni de *Baltemore*, & Hære-
" dibus & Aſſignatis ſuis, ad ſolum & proprium Opus & Uſum ipſius modò
" Baronis de *Baltemore*, Hæredum & Aſſignatorum ſuorum imperpetuum."

" TENENDUM de Nobis, Hæredibus & Succeſſoribus Noſtris, Regibus Tenure.
" *Angliæ*, ut de Caſtro Noſtro de *Windſore* in Comitatu Noſtro *Berks*, in
" libero & communi *Soccagio*, per Fidelitatem tantùm, pro omnibus Servitijs, &
" non *in Capite*, nec per *Servic' Militare*; Ac reddendo inde Nobis, Hære- Rent reſerved.
" dibus & Succeſſoribus Noſtris, Duas Sagittas *Indicas* partium illarum, apud
" dictum Caſtrum de *Windſore*, ſingulis Annis tradendas, in Die Martis in
" Septimana *Paſchæ*; ac etiam Quintam partem omnis Metalli Aurei & Argenti, And part of
" Anglicè, *of Gold and Silver Oar*, quod infra præfat' Limites, de tempore Mines.
" in tempus, contigerit inveniri."

" UT verò prædict' Regio, ſic a Nobis conceſs' & deſcripta, cæteris omni-
" bus illius Terræ Regionibus præfulgeat, & amplior' Titulis decoretur,
" Sciatis, quòd Nos de ampliori Gratiâ Noſtrâ, certâ Scientiâ, & mero Motu Made a Pro-
" Noſtris, dict' Region' ac Inſulas in Provinciam erigendas eſſe duximus, vince,
" prout eas ex Plenitudine Poteſtatis & Prærogativæ Noſtræ Regiæ, pro Nobis,
" Hæredib' & Succeſſorib' Noſtris, in Provinciam erigimus & incorporamus;
" eamq; *Terram Mariæ*, Anglicè, *Maryland*, nominamus, & ſic in futur' By Name,
" nominari Volumus." *Maryland*.

" ET quoniam præfat' modò Baronem de *Baltemore* totius Provinciæ an-
" tedict' Verum Dominum & Proprietar' ſuperius Fecimus & Ordinavimus;
" Ulterius igitur Sciatis, quod Nos, pro Nobis, Hæredib' & Succeſſorib' Noſtris,
" eidem modò Baroni, de cujus Fide, Prudentia, Juſtitia, & provida animi
" Circumſpectione plurimùm Confidimus, & Hæredibus ſuis, pro bono & fælici
" dictæ Provinciæ Regimine, Leges quaſcunq; ſive ad Publicum ejuſdem Pro- Power of mak-
" vinc' Statum, ſive ad Privatam Singulorum Utilitatem pertinentes, juxtà king Laws, with the Aſſent
" ſanas Diſcretiones ſuas, de & cum Conſilio, Aſſenſu, & Approbatione libe- of the Free-
" rorum Hominum ejuſdem Provinciæ, vel Majoris Partis eorundem, vel holders, or
" eorum Legatorum vel Deputatorum, quos ad Leges condendas, quum, & their Repre-
" quoties Opus fuerit, a præfat' modò Barone de *Baltemore*, ac Hæredib' ſuis, ſentatives.
" ac in Forma, quæ illi vel illis melior eſſe videbitur, convocari Volumus
" condendi, faciendi, edendi, & ſub Sigillo prædict' modò Baronis de *Baltemore*,
" ac Hæredum ſuorum promulgand'; eaſq; in omnes Homines infra dictam Pro- Their Extent,
" vinciam & Limit' ejuſdem pro tempore exiſten', vel ſub illius vel illorum as to Place.
" Regimine & Poteſtate *Terram Mariæ* verſus navigand', aut inde redeund' As to Puniſh-
" extra vel ad Terram *Angliæ*, vel extra, vel ad aliqua al' Domin' Noſtra, ments.
" vel aliena ubilibet, conſtitut' per Mulctarum Impoſitionem, Incarcerationem, &
" al' quamlibet Coercionem, etiamſi oporteat, & delicti Qualitas id exigerit,
" per Membr' vel Vitæ Privationem, per ſe præfat' modò Baron' de
" *Baltemore*, & Hæredes ſuos, ſeu per Deputat' Locumtenentes, Judices, Juſti-
" ciarios, Magiſtrat', Officiarios & Miniſtros ſuos, ſecundùm Tenorem &
" veram Intentionem Præſentium conſtituendas & conficiendas debitè exequen-
" di: Judiceſq; Juſticiar', Magiſtrat' & Officiar' quoſcunq; ad quaſcunq; Power of mak-
" Cauſas, & cum quâcunq; Poteſtate, & in Formâ, quæ præfat' modò Baron' king Judges, &c.
" de *Baltemore*, vel Hæredibus ſuis melior eſſe videbitur, Terra illa ac Partium
" illarum Mari conſtituendi & ordinandi; Crimina item & Exceſſus quoſcunq; And of Par-
" contra hujuſmodi Leges, ſive ante Judicium acceptum, ſive poſt, remittendi, doning.
" relaxandi, pardonandi, & abolendi; cæteraq; omn' al' & ſingul' ad Juſtitiæ
" Complementum, Curiaſq; Prætoria & Tribunalia, Judiciorum Formas, & proce-
" dendi Modos pertinen', etiamſi de illis expreſſa in Præſentib' non fiat Mentio

64

Civil Judicature.

" faciend'; Ac in Curijs, Prætor' & Tribunal' illis in Actionib', Sectis, Cau-
" ſis, & Negotijs quibuſcunq; tam Criminalib' quam Civilib', Perſonalib',
" Realib' & Mixtis, ac Prætorijs procedendi, Placita tenendi & terminandi per Ju-
" dices, per ipſos Delegatos, liberam, plenam, & omnimodam, tenore Præſentium,
" Concedimus Poteſtatam: Quas quidem Leges ſic, ut pærmittitur, promul-
" gand', abſolutiſſima Juris firmitat' niti, & ab omnib' Hominibus, Subditis &
" Ligeis Noſtris, Hæredum & Succeſſorum Noſtrorum, quatenus eos concer-
" nunt, in Partibus illis cuſtodiri, & ſub Pænis in eiſdem expreſſis & expri-
" mendis, inviolabiliter obſervari Volumus, Injungimus, Præcipimus, & Man-
Agreeable to the Laws of *England*.
" damus: Ita tamen quòd Leges prædict' ſint Rationi conſonæ, et non ſint
" repugnan' nec contrar', ſed quoad convenient' fieri poterit, conſentaneæ Le-
" gib', Statut', Conſuetud', ac Juribus hujus Regni Noſtri *Angl'*."

" Et quoniam in tantæ Provinciæ Regimine repentini Caſus ſæpenumerò
" contingunt, quibus neceſſe erit Remedium adhiberi antequam Liberi Te-
" nentes dictæ Provinciæ, Legati, vel Deputati ſui, ad Leges condendas convo-
" cari poſſint; nec idoneum erit continuò, tali Caſu emergente, tantum Popu-
" lum convocari: Idcirco, pro meliori Gubernatione tantæ Provinciæ, Volumus
Power, without an Aſſembly, of making Ordinances by Proclamation:
" & Ordinamus, ac per Præſentes pro Nobis, Hæredib' & Succeſſorib'
" Noſtris, præfat modò Baroni de *Baltemore*, & Hæredib' ſuis, Concedimus,
" quòd præfatus modò Baro de *Baltemore*, & Hæredes ſui, per ſe, vel per Magi-
" ſtrat' & Officiar', in ea parte debitè, ut præfertur, conſtituend', Ordinationes
" idoneas & ſalubres, de tempore in tempus, facere & conſtituere poſſint &
" valeant, infra Provinciam prædict' cuſtodiend' & obſervand', tam pro
" Cuſtodiâ Pacis, quàm pro meliori Regimine Populi ibidem degentis; eáſq;
" omnibus, quos eædem aliqualiter tangunt, ſeu tangere poſſint, publicè inno-
" teſcere. Quas quidem Ordinationes infra dictam Provinciam inviolabiliter
" Obſervari Volumus, ſub Pænis in eiſdem expirmend': Ita quòd eædem Ordi-
" nationes ſint Rationi conſonæ, & non ſint repugnant' nec contrar', ſed,
" quoad convenienter fieri poteſt, conſentaneæ Legib', Statutis, aut Jurib'
But not to reach Life, &c. nor Freehold, &c.
" Regni Noſtri *Angl'*; & ita quod eæd' Ordinationes ſe non extendunt ad Jus
" vel Intereſſe alicujus Perſonæ, ſive aliquarum Perſonarum, de aut in Vitâ,
" Membro, Libero Tenemento, Bonis ſeu Catall', aliqualiter aſtringend',
" ligand', onerand', ſeu tollend'."

" Porro, ut Nova Colonia Populi eadem confluentis, Multitudine fælicius creſcat,
" pariter et à *Barbarorum* aliorumve Hoſtium, Pirat' & Prædonum Incurſibus
" firmius muniatur; Idcirco Nos pro Nobis, Hæredib' & Succeſſorib' Noſtris,
" Omnib' Hominib' & Subditis Noſtris, Hæredum & Succeſſorum Noſtrorum,
Liberty of repairing thither.
" Ligeis præſentibus & futuris, (niſi quib' id ſpecialiter fuerit interdictum)
" ſe, Familiaſq; ſuas, ad dictam Provinciam, cum idoneis Navigijs, & Comeatu
" congruo transferendi, Sedeſq; ſuas ibidem collocandi, incolendi & inhabitandi,
" Caſtraq; & Caſtell', ſeu alia Fortalitia, ad prefat' modò Baron' de *Baltemore*,
" & Hæredum ſuor' Arbitrium, pro Defenſione Publicâ & ſuâ, extruendi &
" muniendi Facultat', Licentiam & Libertatem Damus & Concedimus per
" præſentes; Statut' *de Fugitivis*, vel alijs quibuſcunq; in contrarium Præ-
" miſſorum, in aliquo non obſtan'."

" Volumus etiam, & ex uberiori Gratiâ Noſtrâ, pro Nobis, Hæredib'
" & Succeſſorib' Noſtris, firmiter Præcipimus, Conſtituimus, Ordinamus, &
" Mandamus, qd' dicta Provincia de Noſtrâ Ligeanciâ ſit, quodq; Omnes &
All the King's Liege Subjects, and their Deſcendants there inhabiting, to be Freemen of *England*.
" ſingul' Subditi ac Ligei Noſtri, Hæredum & Succeſſorum Noſtrorum, in præ-
" fat' Provinciam deducti, vel deducendi, ipſorumq; & aliorum de ipſis de-
" ſcendentium liberi, ibidem ſeu jam nati, ſeu impoſterùm naſcendi ſint, & erunt
" Indigenæ, & Ligei Noſtri, Hæredum & Succeſſorum Noſtrorum Regni Noſtri

" *Angliæ*

" *Angliæ & Hiberniæ*; ac in omnibus teneantur, tractentur, reputentur, &
" habentur tanquam Fideles Ligei Noſtri, ac Hæredum & Succeſſor' Noſtror'
" infra Regnum Noſtrum *Angliæ* oriund': Necnon Terras, Tenementa, Reven-
" tiones, Servic', & al' Hæreditamenta quæcunq; infra Regnum Noſtrum *An-*
" *gliæ*; & alia Dominia Noſtra hæreditare, ſeu aliter perquirere, recipere, capere,
" habere, tenere, emere, & poſſidere, ac eis uti & gaudere, eaq; dare, vendere,
" alienare & legare; Ac etiam omn' Libertat', Franches, & Privileg' hujus
" Regni Noſtri liberè, quietè & pacificè habere & poſſidere, eiſq; uti & gaudere
" poſſint, tanquam Ligei Noſtri infra dictum Regnum Noſtrum *Angliæ* nat'
" ſeu oriund', abſq; Impedimento, Moleſtatione, Vexatione, Impetitione, ſeu
" Gravamine Noſtri, Hæredum vel Succeſſor' Noſtrorum quoruncunq; aliquo
" Statut', Actu, Ordinatione, ſive Proviſione in contrarium inde non obſtan'."

" PRÆTEREA, ut Subditi Noſtri ad Expeditionem hanc prompto & alacri
" Animo ſuſcipiend' incitentur; Sciatis quòd Nos de Gratiâ Noſtrâ Speciali,
" ac ex certâ Scientiâ & mero Motu Noſtris, tam præfat' modò Baroni de *Bal-*
" *temore*, & Hæredib' ſuis, quàm alijs omnib' de tempore in tempus habitandi,
" vel cum Incolis Provinciæ prædict' Commercium habend' Cauſa in Provinc'
" ill' profecturis, omn' & ſingul' ſua Bona, tam Mobil' quàm Immobilia, Power of carrying Proviſions and Merchandize.
" Merces & Mercimon', Annonam etiam generis cujuſcunq; aliaq; ad Victum
" & Veſtitum Neceſſaria quæcunq; per Leges & Statuta Regnorum & Domi-
" niorum Noſtrorum extra ead' Regna deportari non prohibita, in quibuſcunq;
" Portub' Noſtris, Hæredum & Succeſſorum Noſtrorum, in Naves imponendi
" & onerandi, & in dictam Provinciam, per ſe, vel Servos aut Aſſignatos ſuos
" traducendi abſq; Impedimento vel Moleſtatione Noſtri, Hæredum vel Suc-
" ceſſorum Noſtrorum vel aliquorum Officiar' Noſtrorum, Hæred' vel Suc-
" ceſſorum Noſtrorum Salvis Nob', Hæredib' & Succeſſorib' Noſtris, Impo-
" ſition', Subſid', Cuſtum' & al' pro eiſd' Reb' & Mercandizis debit' & ſolu-
" bil', plenam, tenore Præſentium, Licentiam Damus, & Concedimus, aliquo
" Statuto, Actu, Ordinatione, aut aliâ re quâcunq; in Contrarium non obſtan'."

" QUIA verò in tam longinqua Regione, inter tot Barbaras Nationes poſitâ, Military Power.
" tam ipſorum Barbarorum, quàm aliorum Hoſtium, Piratarum & Prædonum In-
" curſus veriſimiliter timeri poterint; Idcirco præfato modò Baroni de *Baltemore*,
" ac Hæredibus & Aſſignatis ſuis, per Se, vel per Capitaneos, aut alios Officia-
" rios ſuos, Omnes Homines cujuſcunq; Conditionis, aut undecunq; oriund' in
" dict' Provinc' de *Terra Mariæ* pro tempore exiſten' ad Vexilla vocandi,
" Delectus habendi, Bella gerendi, Hoſteſq; & Prædones prædict' (Partes illas in-
" feſtantes) Terrâ Mariq; etiam ultra Provinciæ ſuæ Limites proſequendi,
" eoſq; (ſi Deus dederit) profligandi & capiend', & Captos Jure Belli occi-
" dendi, vel pro Arbitrio ſuo ſervand'; Cæteraq; omnia & ſingula, quæ ad
" Capitan' General' Exercitûs Jus & Officium ſpectant, ſeu ſpectare conſue-
" verint, faciend', adeo plenam & liberam, ac quivis Capitaneus Generalis
" Exercitûs unquam habuit, Dedimus, ac pro Nobis, Hæredib' & Succeſſorib'
" Noſtris, Damus Poteſtatem per Præſentes."

" VOLUMUS etiam, ac per hanc Chartam Noſtram præfato modò Baroni de *Balte-*
" *more*, & Hæredib' & Aſſignatis ſuis, Poteſtatem, Libertatem & Authoritatem Da-
" mus, ut in Caſu Rebellionis, repentini Tumultûs aut Seditionis, ſi quæ, (quod abſit)
" ſive ſuper Terram infra Provinciam prædictam, ſive ſuper Alto Mari in Itinere
" ad dictam Provinciam de *Terra Mariæ* faciend' vel inde redeund', oriri con-
" tingent, per ſe, vel Capitaneos Deputat' aut alios Officiarios ſuos, ſub Sigillis
" ſuis ad hoc deputand', quibus etiam Nos pro Nobis, Hæredib' & Succeſſo-
" ribus Noſtris, pleniſſimam per præſentes Poteſtatem & Authoritatem Damus
" & Concedimus advers' Rerum novarum, Partium illarum Authores ſeditioſos, M.
" Regi-

" Regimini illius vel illorum ſe Subtrahentes, Militiam Detractantes, Transfugas, " Deſertores, Emanſores, vel aliter utcunq; contra Rem, Morem, & Diſciplinam " Militarem Delinquentes, Jure utantur Militari, adeo liberè & tam amplis Modo " & Formâ, prout aliquis Capitaneus Generalis Exercitûs, virtute Officij ſui, eo uti " poſſit aut conſuevit."

Power of conferring Honours:

" PORRO, ne Viris honeſtè natis, & ſe ad præſentem Expeditionem accincturis, " ac bene de Nobis & Regnis Noſtris Pace & Bello mereri Cupientibus, in tam " remotâ longèq; diſſitâ Regione omnis ad Honor' & Dignitat' via præcluſa, " & penitùs obſepta eſſe videatur: Propterea Nos, pro Nobis, Hæredibus & " Succeſſorib' Noſtris, præfato modò Baroni de *Baltemore*, & Hæredib' & " Aſſignatis ſuis, liberam & pleniariam Poteſtatem Damus, Favores, Gratias, & " Honores, in bene meritos Cives, infra Provinciam prædictam inhabitantes, con- " ferendi; eoſq; quibuſcunq; Titulis & Dignitat' (modò tales non fuerint,
And of making Burroughs, &c. " quæ in *Anglia* nunc ſunt in Uſu) pro Arbitrio ſuo decorandi; Villas item in " Burgos, & Burgos in Civitates, propter Inhabitantium Merita, & Locorum " Opportunitatem, cum Privileg' & Immunitatibus congruis erigendi & in- " corporandi, cæteraq; omnia & ſingul' in Præmiſs' faciend', quæ illi vel illis " congrua & opportuna eſſe videbuntur, etiamſi tal' fuerint, quæ de ſui " Natura Mandatum & Warrantum exigunt magis Speciale, quàm in Præſentib' " ſit expreſſum."

Free Trade with *England* and *Ireland*.

" VOLUMUS etiam, ac per Præſentes, pro Nobis, Hæredibus & Succeſſori- " bus Noſtris, præfato modò Baroni de *Baltemore*, Hæredib' & Aſſignatis ſuis " Omnibuſq; Provinciæ prædict' Incolis & Inhabitantib' quibuſcunq; præſen- " tibus & futuris, per hanc Chartam Noſtram, Licentiam Damus & Con- " cedim', ut Merces quaſcunq; & Mercimon' ex dictæ Provinc' Fructib' & " Commoditatib', Terreſtrib' vel Maritimis redigend', per Se, vel per Servos, " Factor', aut Aſſignat' ſuos, in quoſcunq; Portus Noſtr', Hæred' & Suc- " ceſſorum Noſtrorum, *Angl'* aut *Hiberniæ*, liberè inferre & exonerare, aut " alit' de eiſdem ibid' diſponere; &, ſi Opus fuit, eaſdem Merces, infra " unum Annum ab Exoneratione earundem continuò numerand', rurſus in Naves " eaſdem vel alias onerare, & in quaſcunq; voluerint Regiones, ſive Noſtras, " ſive Extraneas de Amicitiâ Noſtrâ, Hæred' & Succeſſor' Noſtrorum, " deportare valeant: Proviſo ſemper quòd tales & talia Cuſtum' & Impoſi- " tion', Subſid' & Telonia, Nob', Hæredib' & Succeſſorib' Noſtris inde " ſolvere teneantur, qual' & qualia reliqui Subditi Noſtri Regni *Angliæ*, pro " tempore exiſten', ſolvere tenebuntur, ultra quas & quæ præfat' Provinc' " dictæ terræ *Terram Mariæ* nuncupat' Incolas gravari Nolumus."

Power of Seaports.

" ET ulterius, de ampliori Gratiâ Noſtrâ Speciali, & ex certâ Scient' & mero " Motu Noſtris, pro Nob', Hæredib' & Succeſſorib' Noſtris, Concedim' " præfat' modò Baroni de *Baltemore*, Hæredib' & Aſſignat' ſuis, plenam & " abſolut' Poteſtatem & Authoritatem faciendi, erigend', & conſtituend', infra " Provinc' de *Terra Mariæ*, ac Inſul' & Inſulul' prædict', tot & tal' Portus " Maritimos, Navium Stationes, Crecas, & al' loca Exonerationis & Depo- " ſitionis Bonorum & Mercimon' è Navib', Cymb', ac al' Vaſib' Onerationis, " in eâdem, & in tot & talib' Locis, & cum talib' Jurib', Juriſdictionib', Li- " bertat' & Privileg', ad hujuſmodi Portus ſpectan' prout ei vel eis melius " videbitur, expedire; Quodq; Omnes & Singul' Naves, Cymbæ, & al' Vaſa " quæcunq; cauſâ mercandizandi, ad Provinc' & ex Provincia prædict' ve- " nientes vel exeun', ad hujuſmodi Portus per dictum modò Baron' de *Bal-* " *temore*, Hæred' & Aſſign' ſuos, ſic erigend' & conſtituend', ſolummodo " onerentur & exonerentur; Aliquo Uſu, Conſuetud', aut aliqua al' Re in " Contrar' non obſtan': Salva ſemper Nobis, Hæred' & Succeſſor'

" Noſtris,

" Noſtris, & Omnibus Subditis Regni Noſtri *Angliæ* & *Hiberniæ*, Hæred' & Suc-
" ceſſorum Noſtrorum Libertate piscandi Piſcem Marin' tam in Mare, Æſtuariis, Reſervation of Fiſhing, &c.
" & Fretis, & Fluminib' Navigio idoneis, quàm in Portub', Æſtuariis, &
" Crecis Provinciæ antedict', ac Privileg' ſaliendi, exſiccandi, & arefaciendi
" Piſces in Littore ejuſdem Provinciæ & eâ de cauſâ Buſcam & Vimina ibi-
" dem creſcen' ſuccindere & capere; & Caſas & Tugoriola in hac parte
" neceſſaria extruere, prout rationabiliter hactenus uſi fuerunt aut potuerunt.
" Quibus quidem Libertat' & Privileg' dict' Subditi Noſtri, Hæred' & Succeſ-
" ſor' Noſtror' gaudebunt abſq; notabili Damno vel Injuriâ præfat' modò Baroni
" de *Baltemore*, Hæred' vel Aſſign' ſuis, aut ejuſdem Provinciæ Incolis & Inha-
" bitantib' in Portub', Crecis, aut Littor' prædict'; & præſertim in Boſcis &
" Sylvis ibidem creſcen' aliqualiter fiend'. Et ſi quis hujuſmodi Damnum fece-
" rit, aut Jnjur' gravis Indignationis Noſtræ, Hæred' & Succeſſor' Noſtror', de-
" bitèq; Legum Caſtigationis Periculum plenamq; præter Emendationes ſubeat."

" Volumus inſuper, Statuimus & Ordinamus, ac per Præſentes pro Nobis, Right of Tolls and Cuſtoms.
" Hæred' & Succeſſor' Noſtris, Concedimus præfat' modò Baroni de *Baltemore*,
" Hæred' & Aſſign' ſuis, quòd idem Baro de *Baltemore*, Hæredes & Aſſign' ſui de
" tempore in tempus imperpetuum habeant & gaudeant Telonia & Subſid' in
" Portubus, Navium Stationibus & al' Crecis & Locis prædict' infra Provinc' præ-
" dict' ſolubil' ſive emergend' pro mercimon', & rebus ibidem onerand' & ex-
" onerand' per ipſos & Popul' ibidem, ut prædictum eſt, Occaſione emergente
" rationabiliter aſſidend', quib' eadem juſtâ de cauſâ debita proportione aſſidere
" & incidere Telon' & Subſidia ibidem, Poteſtatem, pro Nobis, Hæredib' &
" Succeſſoribus Noſtris Damus per Præſentes."

" Et ulterius de gratiâ Noſtrâ ſpeciali, ac ex certâ Scientiâ, & mero Motu
" Noſtris, Dedimus, Conceſſimus, & Confirmavimus, ac per Præſentes, pro
" Nobis, Hæred' & Succeſſor' Noſtris, Damus, Concedimus, & Confirmamus
" præfat' modò Baroni de *Baltemore*, Hæred' & Aſſign' ſuis, plenam & abſolut'
" Licent' Poteſtatem & Authoritat' quòd ipſe præfat' modò Baro, Hæred' &
" Aſſign' ſui, de tempore in tempus impoſterùm imperpetuum ad ejus vel eor'
" Libit' & Voluntatem poſſint & valeant aſſignare, alienare, concedere, dimittere
" vel feoffare præmiſſorum tot, tal' & tantas Partes & Parcell', ea perquirere Vo-
" lenti vel Volentibus, quot, qual' & quant' duxerunt opportunum; Habend'
" & tenend' eiſdem Perſonæ & Perſonis, ea capere vel perquirere Volent' vel Power of making Grants;
" Volentibus, Hæred' & Aſſign' ſuis, in Feodo Simplici, vel Feod' Talliat',
" vel pro termino Vitæ, Vitarum, vel Annorum; *Tenend'* de præfat' modò Ba-
" rone de *Baltemore*, Hæred' & Aſſign' ſuis, pro tot, tant', tal', & hujuſ-
" modi Servitiis, Conſuetud' & Reddit', quot, quant' & qual' eidem modò
" Baroni de *Baltemore*, Hæred' & Aſſign' ſuis, vis' fuerit vel placuerit; &
" non de Nob', Hæred' vel Succeſſor' Noſtris immediatè; & eiſdem Perſonæ
" & Perſonis, & eorum cuilibet & quibuſlibet Damus, & per Præſentes, pro
" Nobis, Hæred' & Succeſſoribus Noſtris, Concedimus Licentiam, Autho-
" ritatem & Poteſtat', quòd tal' Perſona & Perſonæ præmiſs', ſive aliquam
" inde Parcell', de præfat' modò Barone de *Baltemore*, Hæred' & Aſſign'
" ſuis, recipere poſſit & poſſint, ac tenere ſibi & Aſſign' ſuis, vel Hæred'
" ſuis, de quocunq; Statu Hæreditar' in Feod' Simplici, vel Feod' Taliat'
" vel alit' prout eis & modò Baroni de *Baltemore*, Hæred' & Aſſign' ſuis, vide-
" bitur expedire, de eodem Barone de *Baltemore*, Hæred' & Aſſign' ſuis; Sta-
" tut' in Parliamen' Dom' *Edwardi* filii Regis *Henrici* nuper Regis *Angl'*,
" Progenitoris Noſtri edit', communiter vocat' Statut', *Quia Emptores Terrar'*,
" in Regno Noſtro *Angliæ* dudu' edit', aut aliquo al' Statut', Act', Ordination'

" Uſu, Lege vel Conſuetud', aut aliquâ al' Re, Cauſâ vel Mater' in contrar'
" inde antehac habit', fact', edit', ordinat' ſeu provis', in contrar' inde in aliquo non
" obſtan': Ac eidem Baroni de *Baltemore*, & Hæred' ſuis particulas aliquas
And of erecting Manors. " terrar' infra Provinc' prædict' in Maneria erigere, & in Maner' eorum ſingulis
" habere & tenere Curiam Baron' ad omn', quæ ad Cur' Baron' pertinent & Vis'
" francipleg' ad conſervationem Pacis, & melius Partiu' illaru' Reginen, per ſe
" & Seneſchallos ſuos, vel alior' Maner' illorum cum conſtitut' fuerint Dominos
" pro tempore exiſten' deputand' habere & cuſtodire; & in eiſdem omnibus
" uti ad Vis' francipleg' pertinen', Licentiam damus & concedimus per præ-
" ſentes; "

Freedom from all Impoſitions, &c. by the King. " A c ulterius Volumus, ac per Præſentes pro Nob' Hæred' & Succeſſoribus
" Noſtris Convenimus & Concedimus ad & cum præfat' modò Barone de *Balte-*
" *more*, Hæred' & Aſſign' ſuis, quòd Nos, Hæred' & Succeſſor' Noſtri nullo tempore
" in poſterum aliquas Impoſition', Cuſtum' aut al' Taxation', Quotas ſeu Contri-
" bution' quaſcunq; imponemus aut imponi faciemus aut cauſabimus in aut ſuper
" Incolas aut Inhabitan' Provinciæ prædict', pro Bonis Terr' vel Tenementis ſuis,
" infra eandem Provinciam, aut ſuper aliqua Terr', Tenementa, Bona ſeu Catalla
" infra Provinc' prædict', aut in aut ſuper aliqua Bona vel Merchandiza infra
" Provinc' prædict', aut infra Port' aut Navium Station' dictæ Provinc' onerand'
" ſeu exonerand': Et hanc declarationem Noſtram in omnib' Cur' & Prætorijs, &
" coram quibuſcunq; Judic' Noſtris, Hæred' & Succeſſorum Noſtrorum pro ſuf-
" ficien' & legitimâ Liberatione, Solutione, & Acquietanc', inde de tempore in
" tempus recipi & allocari Volumus, ac pro Nob' Hæred' & Succeſſor' Noſtris, Ju-
" bemus & Mandamus: Præcipientes omnib' & ſingul' Officiar' & Miniſtris Noſtris,
" Hæred' & Succeſſorum Noſtror', et ſub gravi Indignatione injungend', ne quid
" in contrar' Præmiſſor' ullo unquam Tempore attemptare audeant, aut eiſdem
" ullo Modo contraveniant', ſed prefat' modò Baroni de *Baltemore* & Hæred'
" ſuis, ac præfat' Provinc' de *Terra Mariæ* Incolis & Mercator', prædict' eorumq;
" Servis, Miniſtris, Factor' & Aſſign', in pleniſſimo hujus Chartæ Noſtræ Uſu &
" Fruitione omni tempore auxilientur & aſſiſtant, prout decet."

Independent of any but the Crown of *England*. " Et ulterius Volumus, ac per Præſentes, pro Nobis, Hæred' & Succeſſor' Noſtris
" concedimus præfat' modò Baron' de *Baltemore*, Hæred' & Aſſign' ſuis & dictæ
" Provinciæ Terræ Tenentibus, Habitatoribus præſentib' & futur', & ſingul' eor',
" Quod Provincià prædict' terræ Tenentes, vel Incolæ ejuſdem Coloniæ aut Pa-
" triæ, vel terræ *Virginiæ*, aut alicujus alter' Coloniæ deduct' vel deducend'
" Membrum vel Pars de cætero non habeantur vel reputentur, aut de eiſdem
" dependen' ſint, aut eor' Regimini ſubſint in aliquo, ipſamq; & ipſos ab eiſdem
" ſeperamus, & ſeparatos eſſe Volumus per præſentes; ac quod Coronæ Noſtræ
" *Angliæ* immediatè ſint ſubjecti, & de eâdem dependentes imperpetuum."

" Et ſi fortè impoſterùm contingat Dubitationes aliquas aut Quæſtiones circa
" verum Senſum & Intellectum alicujus Verbi, Clauſul', vel Sententiæ in hac
" præſenti Chartâ Noſtrâ content' generari, eam ſemper & in omnib' Interpre-
" tationem adhiberi, & in quibuſcunq; Curiis & Prætoriis Noſtris obtinere Volu-
" mus Præcipimus & Mandamus, quæ præfat' modò Baroni de *Baltemore*, Hæred' &
" Aſſign' ſuis, benignior, utilior, & favorabilior eſſe judicabitur. Proviſo ſemper,
" quòd nulla fiat Interpretatio, per quam Sacro Sancta Dei & verè Chriſtiana
" Religio, aut Ligeancia Nobis, Hæred' & Succeſſor' Noſtris debit', Minutione,
" Præjudicio vel Diſpend' in aliquo patiantur'."

" Eo quòd expreſſa Mentio de vero Valore annuo, vel decerti tudine Præmiſ-
" ſor' ſive eor' alicujus, aut de al' Donis ſive Conceſſionib' per Nos, ſeu per ali-

" quem

" quem Progenitor' ſive Prædeceſſor' Noſtror', prefat' Baroni de *Baltemore* ante " hæc tempora fact' in Præſentib' minimè fact' exiſtit, aut aliquo Statuto, Actu, " Ordinatione, Proviſione, Proclamatione, ſive Reſtrictione, in contrarium inde " antehac habit', fact', edit', ordinat', ſive provis', aut aliqua al' Re, Cauſâ, " vel Materiâ quacunq; in aliquo non obſtan'."

" In cujus rei Teſtimonium has literas Noſtras fieri fecimus Patentes, " Teſte Me ipſo apud *Weſtmonaſterium* viceſimo die *Junij*, Anno Regni " Noſtri Octavo."

Per Breve de privato Sigillo.

WOLSELEY.

INDEX

INDEX

INDEX

TO

Maryland Laws.

AN *Act for Puniſhment of Perſons ſuborning Witneſſes, or committing wilful and corrupt Perjury.*	Page 1	Paſs'd 1692.
An Act relating to a Free School. Revis'd 1715.	3	1696.
An Act for ſanctifying and keeping Holy the Lord's Day, commonly called Sunday.	7	
An Act for keeping good Rules and Orders in the Port of Annapolis. Revis'd 1715.	8	
An Act for the Eſtabliſhment of Religious Worſhip in this Province, according to the Church of England; *and for the Maintenance of Miniſters.*	13	1701.
An Act for erecting Ann Arundel *and* Oxford *Towns into Ports and Towns.* Revis'd 1715.	19	——
An Act for the marking of High-ways, and making the Heads of Rivers, Creeks, Branches, and Swamps, paſſable for Horſe and Foot. Revis'd 1715.	21	1704.
An Act for the Publication of Marriages. Revis'd 1715.	23	
An Act to prevent the Growth of Popery within this Province. Revis'd 1714.	24	
An Act declaring ſeveral Acts of Aſſembly, formerly made, to be in force. Revis'd 1715.	25	
An Act concerning Purchaſes made by the Commiſſioners of the reſpective Counties, by virtue of a former Act of Aſſembly, Intituled, An Act impowering the Commiſſioners of each reſpective County to purchaſe Lands for the Uſe of the reſpective Courts, *which is now executed.* Revis'd 1715.	ibid.	
An Act confirming to the Governor of this Province the Duty of Three Pence per *Tun upon the Burthen of Ships and Veſſels.* Revis'd 1715.	26	

Paſs'd 1704. *An Act repealing all former Acts of Aſſembly heretofore made, ſaving what are hereby excepted.* Revis'd 1715. Page 26

An Act declaring how Fees for Naturalization, and other private Laws, ſhall be proportioned. Revis'd 1715. 27

An Act againſt exceſſive Uſury. Revis'd 1715. ibid.

An Act requiring the Maſters of Ships and Veſſels to publiſh the Rates of their Freight before they take any Tobacco on board. Revis'd 1715. 28

An Act for aſcertaining the Bounds of a certain Tract of Land to the Uſe of the Nanticoke Indians, *ſo long as they ſhall occupy and live upon the ſame.* Revis'd 1715. 29

An Act for ſecuring the Parochial Libraries of this Province. Revis'd 1715. 30

An Act againſt Ingroſſers and Regrators. Revis'd 1715. 31

An Act for Settlement of an annual Revenue upon Her Majeſty's Governor within this Province for the time being. Revis'd 1715. 32

An Act declaring that the Grantees of Land, lying within the Indians *Land, may have an Action of Treſpaſs againſt ſuch Perſons as cut Timber off their Land, on Pretence of having bought the ſame of the* Indians. Revis'd 1715. 34

An Act for the confirming Titles of Land given to the Uſe of the Churches and ſeveral Chapels within this Province, impowering the Commiſſioners of the reſpective Counties, and the Veſtries of the reſpective Pariſhes, to take up certain Parcels of Land for the Uſe of the ſame. Revis'd 1715. ibid.

An Act to make valid, good, and effectual in the Law, all manner of Proceſs and Proceedings in the ſeveral Courts of this Province, from the Year One thouſand ſix hundred and ninety, to the Year One thouſand ſix hundred ninety two; and alſo from the Death of Lyonel Copley, *Eſq; late Governor of this Province, to the Arrival of* Francis Nicholſon, *Eſq; Governor thereof; and from the Demiſe of His late Majeſty King* William *the Third, to this preſent Time.* Revis'd 1715. 36

An Act impowering the Commiſſioners of the County-Courts to levy and raiſe Tobacco, to defray the neceſſary Charges of their Counties and Pariſhes. Revis'd 1715. 37

An Act for the Relief of Creditors in England *againſt Bankrupts, who have imported any Goods into this Province not accounted for.* Revis'd 1715. 38

An Act for laying an Impoſition on ſeveral Commodities exported out of this Province. Revis'd 1715. 39

An Act for the Encouragement of ſuch Perſons as will undertake to build Water-Mills. Revis'd 1715. 41

An Act for the Advancement of the Natives and Reſidents of this Province. Revis'd 1715. 44

An Act for the Preſervation of the ſeveral Harbours and Landing Places within this Province. Revis'd 1715. 45

An Act for Limitation of Officers Fees. Revis'd 1715. ibid.

1706. *An Act encouraging the making Hemp and Flax within this Province.* Revis'd 1715. 55

An

An Act declaring ſeveral Acts of Parliament made in the Kingdom of England, *to be in force within this Province.* Revis'd 1715.	Page 56	Paſs'd 1766.
An Act for ſuſpending (during the Queen's Pleaſure) the Proſecution of the Prieſts of the Romiſh Communion, incurring the Penalties of the Act to prevent the Growth of Popery in this Province, by Exerciſing their Function in a private Family of the Roman Communion, but in no other Caſe whatſoever. Revis'd ——	57	1707.
An Act requiring the Agents of the Lord Baltemore *to certifie into the Secretary's Office, the Inſtructions and Conditions of Plantations, with the Fees by them demanded; and obliging his Lordſhip's Deputy Surveyors to qualifie themſelves according to Law.* Revis'd 1715.	58	
An Act explaining ſome doubtful Expreſſions in the Act for Limitation of Officers Fees. Revis'd 1715.	59	
An Act againſt Forging and Counterfeiting of Foreign Coins, Gold or Silver. Revis'd 1715.	ibid.	
An Act for preventing the Exportation of Tobacco out of this Province by Land, before the Duties payable be paid, or well ſecured, to the ſeveral Officers appointed, or to be appointed for receiving the ſame. Revis'd 1715.	60	
An Act for ſettling the Rates of Foreign Silver Coins within this Province. Revis'd 1715.	61	1708.
An Act confirming and explaining the Charter to the City of Annapolis. Revis'd 1715.	62	
An Act to impower Commiſſioners to appoint, and cauſe to be laid out, Three thouſand Acres of Land, on Broad Creek, *in* Somerſet *County, for the Uſe of the* Nanticoke Indians, *ſo long as they ſhall occupy the ſame.* Revis'd 1715.	64	1711.
An Act reſtraining Victuallers, and Keepers of Publick Houſes, from entertaining Sailors, to the Prejudice of Trade and Commerce. Revis'd 1715.	65	1712.
An Act prohibiting the Exportation of the Hides of Neat Cattle, (whether tanned or untanned) and Old Iron, out of this Province. Revis'd 1715.	66	
An Act againſt ſtriking ſundry Sorts of Fiſh within the Precincts of this Province. Revis'd 1715.	ibid.	
An Act for killing of Wolves, Crows, and Squirrels. Revis'd 1715.	68	1713.
An Act impowering the Juſtices of the ſeveral County-Courts within this Province, to regulate the Bounds of the ſeveral Pariſhes, within their reſpective Counties, when diſputable; and for aſcertaining the Time and Manner when and how the Forty Pounds of Tobacco, per *Poll, ſhall become due and payable to the Miniſter or Incumbent of each Pariſh.* Revis'd 1715.	69	
An Act to reſtrain the ill Practice uſed by Sheriffs in taking Goods by Fieri facias, *and ſelling them by* Venditioni exponas. Revis'd 1715.	70	
An Act for Relief of Debtors; and Aſcertaining the Manner of Tenders in Tobacco. Revis'd 1715.	71	
An Act for the more ſpeedy conveying Publick Letters and Packets of this Province, and defraying the Charge thereof; and to prevent the Abuſes of breaking open and concealing any Letters whatſoever. Revis'd 1715.	73	
An Act for regulating Writs of Error, and granting Appeals from and to the Courts of Common Law within this Province. Revis'd 1715.	76	

Paſs'd 1714. *An Act for ſettling a Revenue on Her Majeſty's preſent Governor.* Revis'd 1715. Page 78

An Act for relieving the Inhabitants of this Province from ſome Agrievances in the Proſecution of Suits at Law. Revis'd 1715. 79

An Act laying an Impoſition of Three Pence per *Hogſhead on Tobacco, for defraying the Publick Charge of this Province.* Revis'd 1715. 77

An Act reviving a certain Act of Aſſembly of this Province, Intituled, An Act for Limitation of Officers Fees, and for Supplying ſome Defects therein; *and alſo reviving another Act of Aſſembly of this Province, Intituled,* An Act explaining ſome doubtful Expreſſions in the Act for Limitation of Officers Fees. Revis'd —— 78

1715. *A moſt joyful and juſt Recognition of the immediate, lawful, and undoubted Succeſſion and Right of the Crown of* Great Britain, *and of the Kingdoms and Dominions thereunto belonging.* 85

An Act for Repealing a Clauſe in an Act of Aſſembly, Intituled, An Act for the Eſtabliſhment of Religious Worſhip in this Province, *&c. and alſo for appointing the Oaths of Abjuration to be taken in this Province.* 86

An Act prohibiting the Importation of Bread, Beer, Flour, Malt, Wheat, or other Indian *or* Engliſh *Grain or Meal, Horſes, Mares, Colts, or Fillies, from* Penſylvania, *and the Territories thereto belonging.* 88

An Act for Limitation of certain Actions, for avoiding Suits at Law. 89

An Act for the Publication of all the Laws within this Province, and for the Recording the ſame in the Secretary's Office; as alſo Tranſmitting the Journals of the Council in Aſſembly, and of the Houſe of Delegates, into the ſaid Office, to the End that no Perſon may be ignorant of the Laws in this Province. 91

An Act for puniſhing the Offences of Adultery and Fornication. 92

An Act directing the Manner of ſuing out Attachments in this Province, and limiting the Extent of them. 93

An Act for the better Adminiſtration of Juſtice in Teſtamentary Affairs, granting Adminiſtrations, Recovery of Legacies, ſecuring Filial Portions, and Diſtribution of Teſtamentary Eſtates. 95

An Act aſcertaining what Damage ſhall be allowed upon proteſted Bills of Exchange. 107

An Act laying an Impoſition on Negroes, and on ſeveral Sorts of Liquors imported; and alſo on Iriſh *Servants, to prevent the importing too great a Number of* Iriſh *Papiſts into this Province.* 108

An Act for the Puniſhment of Blaſphemy, profane Swearing, Curſing, and Drunkenneſs. 111

An Act for rectifying the ill Practices of Attorneys of this Province, and aſcertaining Fees to the Attorney General, Clerk of Indictments, Attorneys, and Practitioners of the Law, in the Courts of this Province, and for levying the ſame by way of Execution. 115

An Act for quieting Poſſeſſions, enrolling Conveyances, and ſecuring the Eſtates of Purchaſers. 118

An

An Act directing the Manner of electing and ſummoning Delegates and Repreſentatives to ſerve in ſucceeding Aſſemblies; and for aſcertaining the Expences of the Councellors, Delegates of Aſſembly, and Commiſſioners of the Provincial and County-Courts of this Province. Paſs'd 1715. Page 121

An Act prohibiting all Maſters of Ships or Veſſels, or any other Perſon, from tranſporting or conveying away any Perſon or Perſons out of this Province without Paſſes. 125

An Act relating to the Standard of Engliſh *Weights and Meaſures.* 126

An Act for ſecuring Merchants and others Tobacco, after they have received it, and declaring the altering the Mark or Quality thereof to be Felony; and againſt falſe Packing. 127

An Act for taking Special Bail, in the ſeveral Counties of this Province, upon Actions or Suits, depending in His Majeſty's Provincial-Court, and in the ſeveral County-Courts of this Province. 129

An Act for ordering and regulating the Militia of this Province, for the better Defence and Security thereof. 131

An Act for the ſpeedy Tryal of Criminals, and aſcertaining their Puniſhment, in the County-Courts, when proſecuted there; and for Payment of Fees due from criminal Perſons. 136

An Act for Encouragement of Tillage, and Relief of poor Debtors. 138

An Act declaring how the Forty Pounds of Tobacco per *Poll, in ſuch Pariſhes where there is no Incumbent, ſhall be diſpoſed of.* 140

An Act againſt Imbezelment of Wills or Records within this Province. 141

An Act relating to Servants and Slaves. ibid.

An Act for ſecuring Perſons Rights to Town-Lands. 148

An Act for the better Adminiſtration of Juſtice in the High Court of Chancery, Provincial and County-Courts of this Province; for the more ſpeedy Recovery of Debts; eaſy Obtaining of Executions againſt Perſons abſenting from the Counties where the Judgments were recovered againſt them; for preventing Commiſſioners, Sheriffs, Sub-Sheriffs, Clerks, and Deputy-Clerks, to plead as Attorneys in the reſpective Courts to which they belong; and for Amerciaments in the Provincial and County-Courts. 150

An Act cauſing Grand and Petit Jurors, and Witneſſes, to come to the Provincial and County-Courts; and aſcertaining their Allowances. 152

An Act aſcertaining the Height of Fences, to prevent the Evil occaſioned by the Multitude of Horſes; and reſtraining Horſe-Rangers within this Province; and to redreſs the great Evil accruing to this Province by the Multiplicity of uſeleſs Horſes, Mares, and Colts, that run in the Woods. 155

An Act prohibiting the carrying of Liquors to the Indian *Towns, or ſelling any Quantity of Strong Liquors to the* Indians, *to prevent Differences between them and His Majeſty's Subjects; and to puniſh the Tranſporters of any Friend,* Indian *or* Indians, *out of this Province.* 158

An Act for aſcertaining the Bounds of Lands within this Province. 159

An Act for the ſpeedy Recovery of ſmall Debts out of the Court before a ſingle Juſtice of the Peace. 164

Paſs'd 1715. *An Act providing what ſhall be good Evidence to prove foreign and other Debts; and to prevent vexatious and unneceſſary Suits at Law; and pleading Diſcounts in Bar.* Page 164

An Act declaring the Continuance of the Payment of the Twelve Pence per Hogſhead, *from the Death of the late Right Honourable* Charles *Lord* Baltemore, *until the Twenty ninth Day of* September *next.* 167

An Act aſcertaining the Gage and Tare of Tobacco Hogſheads; and to prevent cropping and defacing Tobacco taken on board Ships or Veſſels upon Freight; and for laying Impoſitions on Tobacco by the Hogſhead for the Support of Government; and for the incouraging Settlements in this Province, by aſcertaining the Manner of paying the Alienation Fines, and Quit Rents, to the Lord Proprietary of this Province, on the Conditions therein mentioned. 168

An Act to confirm, and make valid in Law, all Manner of Proceſs and Proceedings in the ſeveral Courts in this Province, from the Demiſe of Her late Majeſty Queen Anne, *of Pious Memory, to the End of this preſent Seſſion of Aſſembly.* 173

An Act impowering a Committee to lay, aſſeſs, and apportion the Publick Levy for this preſent Year Seventeen hundred and fifteen. 174

An Act declaring all the Laws heretofore made, which have been Re-enacted this Seſſion of Aſſembly, to be Repealed. 175

An Act for the Stay of Execution, after the Tenth of May, *yearly.* ibid.

An Act for the direction of the Sheriff's Office, and reſtraining their ill Practices within this Province. 177

An Act for the appointing Conſtables, and what relates to their Office; and aſcertaining what Perſons are taxable. 181

An Act appointing certain Days, on which the ſeveral and reſpective County-Courts within this Province are to be held. 183

Private ACTS.

AN Act for Naturalization of Thomas Harvey, *of* Calvert *County, and his Children.*

An Act for the Relief of Peter Sawel, *a languiſhing Priſoner in* Calvert *County.*

An Act for veſting in the Rector, Governors, and Viſitors of Free Schools, and their Succeſſors for ever, a certain Lot of Land in the City of Annapolis, &c.

An Act repealing an Act for uniting Newport *Hundred, now part of* King *and* Queen's *Pariſh, to* William *and* Mary *Pariſh in* Charles *County; and for reuniting the ſame to* King *and* Queen's *Pariſh in St.* Mary's *County.*

An Act for Relief of Ezekiel Parr, *of* Cecil *County.*

INDEX to *Maryland* Laws.

An Act to ſupply an Omiſſion in the writing the Laſt Will and Teſtament of Raphael Haywood— *and for ſettling an Eſtate of Inheritance in Fee-Simple on* Robert Scot, *Clerk, and* Charles Neal, *Planter, the Executors and Deviſees in the ſaid Will named.*

An Act for the making good and valid a certain Indenture, or Deed of Bargain and Sale, from William Lunn, *late of* Ann Arundel *County, deceas'd, to* Thomas Larkin, *Gentleman.*

An Act to ſupply certain Defects in the conveying of Lands from Matthew Beard *to* Stephen Wright, *and from* Stephen Wright, *to* Samuel Chambers *of* Ann Arundel *County, Gentleman.*

THE

THE LAWS OF MARYLAND.

An Act for Punishment of Persons suborning Witnesses, or committing wilful and corrupt Perjury. No. 1.

WHEREAS several Persons void of Grace, and the Dread of the Almighty, have and do still continue, for small Profits accruing to themselves, to commit wilful and corrupt Perjury, or cause or procure the same to be committed, either out of a Design for the Reasons and Purposes aforesaid, or meerly to revenge an imaginary Injury done them, to the great Prejudice of divers of Their Majesties Loyal Subjects inhabiting within this Province: And forasmuch as the Laws of this Province heretofore made for the Prevention of the like Mischiefs and Inconveniencies, have, upon a mature and deliberate Consideration of this present General Assembly, been found altogether inconsistent with the Constitution of this Province, or the Laws of *England* in such Cases made and provided; Be it therefore Enacted by the King and Queen's most Excellent Majesties, by and with the Advice and Consent of this present General Assembly, and the Authority of the same, That if any Person or Persons whatsoever, from and after the Publication hereof, shall unlawfully or corruptly procure any Witness or Witnesses by Letters, Rewards, Promises, or by any other sinister unlawful Labour or Means whatsoever, to commit any wilful and corrupt Perjury in any Matter or Cause whatsoever, now depending, or which hereafter shall depend in Suit and Variance, by any Writ, Action, Bill, Complaint, or Information, in any wise touching or concerning any Lands, Tenements, Hereditaments, or any Goods, Chattels, Debt, or Damages in any of the Courts of Record within this Province; or that shall unlawfully and corruptly procure or suborn any Witness or Witnesses from and after the Publication aforesaid, to be sworn *in perpetuam*

rei memoriam, that then every ſuch Offender or Offenders, being thereof lawfully convicted or attainted, loſe and forfeit the Sum of Forty Pounds *Sterling*; and if it happen any Offender or Offenders, being convicted or attainted, as aforeſaid, ſhall not have Goods or Chattels, Lands or Tenements, to the Value of Forty Pounds, as aforeſaid, then every ſuch Perſon or Perſons, ſo being convicted or attainted, as aforeſaid, ſhall, for his or their ſaid Offence, ſuffer Impriſonment for and during the Space of One whole Year without Bail or Mainprize, and ſtand upon the Pillory for the Space of One full Hour at the Pillory next adjoyning to the Place where he, ſhe, or they ſhall be convicted, as aforeſaid.

And be it further Enacted by the Authority aforeſaid, That no Perſon or Perſons, being convict or attainted, as aforeſaid, ſhall be from thenceforth received as a Witneſs to be depoſed and ſworn in any Court of Record within this Province, until ſuch time as the Judgment given againſt ſuch Perſon or Perſons be reverſed by Attaint, or otherwiſe; and that upon every ſuch Reverſal the Parties grieved to recover his, her, or their Damages againſt all and every ſuch Perſon or Perſons as did procure the ſaid Judgment ſo reverſed to be given againſt them, or any of them, by Action or Actions upon his, her, or their Caſe or Caſes, according to the common Courſe or Courſes of the Laws of this Province.

And be it further Enacted by the Authority aforeſaid, That if any Perſon or Perſons, after the Publication hereof, either by Subornation, unlawful Procurement, ſiniſter Perſuaſion, or Means of any other, or by their own Act, Conſent, or Agreement, wilfully and corruptly commit any manner of wilful Perjury by their Depoſition in any Court of Record within this Province, as aforeſaid, or being examined *in perpetuam rei memoriam*, that then every Perſon or Perſons ſo offending, and being thereof duly convicted or attainted by the Laws of this Province, ſhall, for his or their Offence, loſe and forfeit Twenty Pounds *Sterling*, and ſuffer Impriſonment the Space of Six Months without Bail or Mainprize; and the Oaths of any ſuch Perſon or Perſons ſo offending, from thenceforth not to be received in any Court of Record within this Province, until ſuch time as the Judgment againſt any ſuch Perſon or Perſons ſhall be reverſed by Attaint, or otherwiſe, as aforeſaid; and that upon every ſuch Reverſal the Parties grieved to recover their Damages, as aforeſaid: And if it happen that the ſaid Offender or Offenders ſo offending, ſhall not have Goods and Chattels to the Value of Twenty Pounds, then he, ſhe, or they ſhall be ſet on the Pillory next adjoyning to the Place where he, ſhe, or they ſhall be convict, as aforeſaid, and have both Ears nailed, and from thenceforth to be diſcredited, and diſabled for ever to be ſworn in any the Courts of Record, as aforeſaid, until ſuch time as the ſaid Judgment ſhall be reverſed, upon which he, ſhe, or they ſhall recover his, her, or their Damages in Manner and Form as is before mentioned; the one Moiety of all the ſaid Fines and Forfeitures to be to our Sovereign Lord and Lady the King and Queen, for the Support of Government, and the other Moiety to ſuch Perſon or Perſons as ſhall be grieved, hindred, or moleſted, by reaſon of any the Offence or Offences before mentioned, that will ſue for the ſame by Action of Debt, Bill, Plaint, or Information, or otherwiſe, in any Court of Record within this Province, wherein no Eſſoign, Protection, or Wager of Law ſhall be allowed.

And be it further Enacted by the Authority aforeſaid, That if any Perſon or Perſons, upon whom any Proceſs out of any of the Courts of Record within this Province ſhall be ſerved, to teſtifie or depoſe concerning any Cauſe or Matter depending in any of the ſame Courts, relating to the Premiſſes, and having tendred unto him or them, according to their Eſtate or Calling, ſuch reaſonable Sum of Money or Tobacco for his and their Coſt and Charges, as, having regard to the Diſtance of the Place in that behalf, is neceſſary to be allowed, do not appear according to the Tenor of the ſaid Proceſs, having not a lawful

lawful reaſonable Let or Impediment to the contrary, that then the Party or Parties ſo making Default, ſhall forfeit and loſe, for every ſuch Offence, Ten Pounds *Sterling*, and to yield to the Party grieved ſuch further Recompenſe, as by the Direction of the Judge of that Court, out of which the ſaid Proceſs ſhall be awarded, according to the Loſs and Hindrance that the Party which procured the ſaid Proceſs, ſhall ſuſtain by reaſon of the Non-appearance of the ſaid Witneſs or Witneſſes; the ſaid ſeveral Sums to be recovered by the Party ſo grieved againſt the Offender or Offenders, by Action of Debt, Bill, Plaint, or Information in any of Their Majeſties Courts of Record in this Province, wherein no Eſſoign, Protection, or Wager of Law to be allowed.

Paſs'd 10 *May*, 1692.

To His moſt Excellent MAJESTY. N° 2.

Dread Sovereign,

FROM the Sincerity of our Humble and Loyal Hearts, we offer to Your Sacred Perſon our moſt Dutiful and Sincere Thanks for Your Royal Care and Protection to us, for Your Majeſty's Princely Zeal and Pious Care of our Mother the Church of *England*, and extending Your Royal Benediction to our Neighbouring Colony, Your Majeſty's Subjects and Territory of *Virginia*, in Your Gracious Grant and Charter for the Propagation of the College, or Place of Univerſal Study, in that Your Majeſty's ſaid Colony: In humble Contemplation whereof, and being excited by his preſent Excellency *Francis Nicholſon* Eſq; Your Majeſty's Governor of this Your Province, his Zeal for Your Majeſty's Service, pious Endeavours, and generous Offers, for the Propagation of Chriſtianity and good Learning herein; we become humble Suitors to Your moſt Sacred Majeſty to extend Your Royal Grace and Favour to us Your Majeſty's Subjects, repreſented in this Your Majeſty's General Aſſembly thereof, that it may be Enacted; And may it be Enacted by the King's moſt Excellent Majeſty, by and with the Advice, Prayer, and Conſent of this preſent General Aſſembly, and the Authority of the ſame, That for the Propagation of the Goſpel, and the Education of the Youth of this Province in good Letters and Manners, a certain Place or Places for a Free School or Schools, or Places of Study, of Latin, Greek, Writing, and the like, conſiſting of One Maſter, One Uſher, and One Writing-Maſter or Scribe to a School, and One hundred Scholars, more or leſs, according to the Ability of the ſaid Free School, may be made, erected, founded, propagated, and eſtabliſhed, under Your Royal Patronage; And that the moſt Reverend Father in God, *Thomas*, by Divine Providence, Lord Archbiſhop of *Canterbury*, Primate and Metropolitan of all *England*, may be Chancellor of the ſaid Schools; and that to perpetuate the Memory of Your Majeſty, it may be called *King William*'s *School*, and managed by certain Truſtees, to be choſen and appointed by Your Sacred Majeſty; (to wit) as alſo by the following Truſtees, nominated and appointed by this preſent General Aſſembly (that is to ſay) by Your Majeſty's ſaid Governor *Francis Nicholſon* Eſq; the Honourable Sir *Thomas Laurence* Baronet, Colonel *George Robotham*, Colonel *Charles Hutchins*, Colonel *John Addiſon* of Your Majeſty's Honourable Council of this Province; the Reverend Divine Mr. *Peregrine Cony*, and Mr. *John Hewett*, together with *Robert Smith*, *Kenelm Cheſeldyne*, *Henry Courſey*, *Edward Dorſey*, *Thomas Ennalls*, *Thomas Taskers*, *Francis Jenkens*, *William Dent*, *Thomas Smith*, *Edward Boothby*,

Boothby, *John Thompſon*, and *John Bigger*, Gentlemen, or the greateſt part, or the Succeſſors of them, upon and in a certain Place of this Province, called *Annarundell-Town* upon *Severn* River, and at ſuch other Place or Places, as by the General Aſſembly of this Province ſhall be thought convenient and fitting, to be ſupported and maintained in all time coming; and that Your Majeſty will, for Your Heirs and Succeſſors, grant, and give Leave to the ſaid *Francis Nicholſon* Eſq; and Truſtees aboveſaid, or the major part, or longeſt Livers of them, that they may be enabled to take, hold, and enjoy, and that they may be apt and capable in Law for taking, holding, and enjoying, all Manors, Lands, Tenements, Rents, Services, Rectories, Portions, Annuities, Penſions, with all other Inheritances, Franchiſes, and Poſſeſſions whatſoever, Spiritual or Temporal, to the Value of Fifteen hundred Pounds *Sterling*, and all other Goods, Chattels, Money, and Perſonal Eſtate whatſoever, of the Gift of any Perſon whatſoever that is willing to beſtow them for the ſaid Uſe, or any other Gifts, Grants, Aſſignments, Legacies, or Appointment of the ſame, or of any of them, or of any other Goods whatſoever, with this expreſs Intention and Truſt put in them, that the ſaid *Francis Nicholſon*, and other the Truſtees aforeſaid, or the major part of them, or the longeſt Livers of them, ſhall take and hold the Premiſſes, and ſhall diſpoſe of the ſame Rents, Revenues, and Profits thereof, or of any of them only, for the defraying the Charges that ſhall be laid out in Erecting and Fitting the Edifices of the ſaid Free School or Schools, as they, or the major part of them, ſhall think moſt expedient, until the ſaid Free School or Schools ſhall be actually erected, founded, and eſtabliſhed; and upon the Truſt and Intention, that aſſoon as the ſaid Free School or Schools ſhall be erected and founded, the ſaid *Francis Nicholſon*, and other the Truſtees above named, ſhall, from time to time, and at all times hereafter, apply all Lands, Tenements, Rents, Annuities, Goods, Chattels, Profits, Incomes, or Advantages whatſoever, Real or Perſonal, or as much as ſhall not be laid out and beſtowed upon Building the ſaid Free School or Schools, as aforeſaid, as ſhall be hereafter expreſſed; and that when the ſaid Free Scool or Schools ſhall be ſo erected and eſtabliſhed, the ſaid *Francis Nicholſon*, and other the Truſtees above named, or the major part, or the longeſt Livers of them, ſhall apply and appropriate to the Uſe, Benefit, and Maintenance out of the Revenues or Incomes, to the ſaid Truſtees, for the Uſe aforeſaid, the Sum of One hundred and twenty Pounds *Sterling per Annum*, for the Salary, Support, and Maintenance of the ſaid firſt mentioned Free School, Maſter, Uſher, and Scribe, and the neceſſary Repairs and Improvements of the ſame, as to the ſaid *Francis Nicholſon*, and Truſtees aforeſaid, the major part, or Survivors of them, ſhall ſeem expedient, from time to time, to ordain in the Premiſſes: And that for the Uſes and Purpoſes aforeſaid, they the ſaid *Francis Nicholſon*, and the Truſtees aforeſaid, the Survivors, or the major part of them, ſhall and may be incorporated into a Body Politick, by the Name of the Rectors, Governors, Truſtees, and Viſitors of the Free Schools of *Maryland*, with full Power to plead and be impleaded, to ſue and be ſued, to defend and be defended, to anſwer and be anſwered, in all and every Cauſe, Complaint, and Action, Real, Perſonal, or Mixt, of whatſoever kind or nature it ſhall be, whatſoever Courts and Places of Judicature belonging to Your Majeſty, Your Heirs or Succeſſors, or by, from, or under Your Royal Grant or Authority; and that Your Majeſty will be graciouſly pleaſed to Give and Grant Your ſpecial Licence, as far as Your Majeſty ſees expedient, to the ſaid *Francis Nicholſon* Eſq; and the other Truſtees aforeſaid, that they, or any of them, or that any Perſon or Perſons whatſoever, after the ſaid Free School or Schools is or are ſo erected, founded, or eſtabliſhed, or before, may have Power to give and grant, aſſign, and bequeath, all or any Manor, Lands, Tenements, Rents, Services, Portions, Annuities, Penſions, Inheritances, Franchiſes, or Poſſeſſions whatſoever, Spiritual or Temporal, to the Value of Fifteen hundred Pounds *Sterling per* Year, beſides all Burthens, Repriſals,

Reprizals, and Reparations, to them the ſaid *Francis Nicholſon*, and others the Governors, Truſtees and Viſitors of the ſaid Free Schools of *Maryland*, the major part, or Survivors of them incorporate, for the Uſes aforeſaid, to them and their Succeſſors for ever: And further, That the ſaid *Francis Nicholſon*, and other the Governors, Truſtees and Viſitors aforeſaid, the longeſt Livers and Succeſſors of them, be the true, ſole and undoubted Viſitors, Truſtees, and Governors of the ſaid Free School or Schools in perpetual Succeſſion for ever, to be continued in the Way and Manner hereafter ſpecified, with full and abſolute Power, Liberty, and Authority, in making and ordaining ſuch Laws, Orders, and Rules, for the good Government of the ſaid Free School or Schools, as to them the ſaid Truſtees, Governors and Viſitors aforeſaid, and their Succeſſors, ſhall, from time to time, according to the various Occaſions and Circumſtances, ſeem moſt fit and requiſite; all which ſhall be obſerved by the Maſter, Uſher, Tutors, and Scholars of the ſaid School upon the Penalties therein contained: Provided notwithſtanding, That the ſaid Rules, Laws, and Orders be no ways contrary to Your Majeſty's Prerogative Royal, nor to the Laws and Statutes of Your Majeſty's Kingdom of *England*, or Province of *Maryland* aforeſaid, or to the Canons and Conſtitutions of the Church of *England* by Law Eſtabliſhed; and that they the ſaid Governors and Viſitors, and Truſtees aforeſaid, and their Succeſſors, ſhall for ever be Eighteen Men, and not exceeding Twenty in the whole, to be elected and conſtituted in the Way and Manner hereafter ſpecified, of which One diſcreet and fit Perſon ſhall be called Rector of the ſaid Free School and Schools; and that from time to time, and in all times coming, the ſaid Rector ſhall exerciſe the ſaid Office during One whole Year (Death and legal Diſability excepted) and after, till ſome others of the ſaid Viſitors and Governors of the ſaid School and Schools ſhall be duly elected, preferred, and ſworn to the ſaid Office; and that from time to time, and at all times coming after the ſaid Year is expired, or after the Death of the ſaid Rector, the Viſitors or Governors of the ſaid School or Schools, or the greateſt part of them, or their Succeſſors, ſhould have Power to elect and nominate another diſcreet and fit Perſon from among themſelves to be Rector of the ſaid Free School or Schools; and that he, who is ſo elected, preferred, and nominated into the Place of Rector, as aforeſaid, ſhall have Power to have, exerciſe, and enjoy the ſaid Office of Rector for One whole Year (except before excepted) then next enſuing, and thereafter, until ſome other Rector of the ſaid School or Schools ſhall be duly elected, preferred to, and ſworn in the ſaid Office. And to perpetuate the Succeſſion of the ſaid Governors, Rectors and Viſitors, that as often as One or more of the Governors or Viſitors of the ſaid School or Schools ſhall die or remove himſelf and Family out of this Province into any other Country for good and all, that then and ſo often the Rector for the time being, and the other Viſitors and Governors of the ſaid Free School and Schools, then ſurviving and remaining within the Province, or the major part of them, ſhall and may have Leave to elect, nominate, and chuſe One or more of the principal and better ſort of the Inhabitants of the ſaid Province into the Place and Places of the ſaid Viſitors and Governors ſo dead or removed, and ſo to fill up the Number of the Viſitors and Governors of the ſaid School and Schools; and that he and they ſo elected and choſen ſhall take his and their Corporal Oath before the Rector, and other Viſitors and Governors, as aforeſaid, or the major part of them, well and faithfully to execute the ſaid Office; which Oath the Rector and Two or more of the ſaid Viſitors ſhall have Power to adminiſter; and that after the taking the ſaid Oath, he or they ſhall be of the Number of the ſaid Viſitors and Governors of the ſaid School or Schools. And further, That the ſaid Rector for the time being, by and with the Advice and Conſent of Three or more of the ſaid Governors and Viſitors, ſhall and may, from time to time, and as often as Need ſhall require, and they ſee convenient, call and convocate the ſaid Governors and Viſitors together, to do, conſult, and conſent

to ſuch things, as for the Propagation, Good and Benefit of the ſaid Free School or Schools ſhall be Ordained and Eſtabliſhed; and that the ſaid Governors and Viſitors ſhall and may hold ſuch their Court or Convocation at ſuch Free School, or ſuch part thereof, as to them ſhall ſeem convenient; and ſhall and may, from time to time, puniſh any Diſorder, Breaches, Miſdemeanors, or Offences, of any Maſter, Uſher, or Scribe, or Schollars of any ſuch Free School or Schools, againſt any Orders, Laws, or Decrees of the ſaid Governors and Viſitors aforeſaid; and if they find cauſe to alter, diſplace, and turn out any Maſter, Uſher, or Scribe of any ſuch School or Schools, and put others in their Steads and Places, as to the ſaid Rectors, Governors and Viſitors of the ſaid School or Schools, or the major part of them, ſhall ſeem convenient and fitting; and alſo that the ſaid Rector, Governors and Viſitors of the ſaid Free School or Schools, and their Succeſſors, ſhall have One Common Seal, which they may make uſe of in whatſoever Cauſe and Buſineſs belonging to them and their Succeſſors, relating to the ſaid Office of Rector, Governors and Viſitors of the ſaid Free School and Schools; and that the ſaid Governors and Viſitors may have Leave to break, change, and renew their ſaid Seal, from time to time, at their Pleaſure, as they ſhall ſee moſt expedient. And further that it may pleaſe Your Majeſty to grant to the ſaid Rector, Governors and Viſitors aforeſaid of the ſaid Free School or Schools aforeſaid, that as ſoon as they ſhall be enabled by any Gifts, Grants, Penſions, Donations, or Incomes of any Manors, Lands, Tenements, or other Eſtate whatſoever, Real or Perſonal, exceeding the Sum of One hundred and twenty Pounds *per* Year, allotted and allowed for Support and Reparations of the Firſt Free School at *Seaverne*, as aforeſaid, that then, as they ſhall be enabled as aforeſaid, the ſaid Rector, Governors and Viſitors ſhall proceed to erect, found, and build One other Free School at the Town of *Oxford*, on the Eaſtern Shore of this Province, in *Talbot* County, or in ſuch other Place of the ſame County as to the ſaid Rector, Governors and Viſitors aforeſaid, ſhall ſeem moſt expedient; and after the ſame ſhall be built, founded, and eſtabliſhed, to appropriate and apply to the ſaid Second Free School out of the Treaſure accruing to them, for the Benefit and Advantage of Free Schools aforeſaid, over and above the One hundred and twenty Pounds *per* Year, allowed as aforeſaid, to the Firſt Free School, the like Sum of One hundred and twenty Pounds *per* Year, for the Benefit, Advantage, and Support of ſuch Second Free School; and ſhall and may place a Maſter, Uſher, and Scribe therein, as in the other Firſt Free School, as aforeſaid; and ſhall in all reſpects be under the ſame Benefits, Privileges, Injunctions, and Reſtrictions, as the ſaid Firſt Free School: And alſo after the ſaid Second Free School is built, erected, founded, and furniſhed, the ſaid Rectors, Governors and Viſitors ſhall, as faſt as they ſhall be enabled, as aforeſaid, proceed to the Erecting other and more Free Schools in this Province (that is to ſay) in every County of this Province at preſent One Free School; and ſhall and may be impowered to eſtabliſh, conſtitute, enjoyn, and reſtrain, to and under the ſame Benefits, Advantages, Injunctions, and Reſtrictions, as aforeſaid, and appropriate and apply ſuch and ſo much of the ſaid Revenue not before diſpoſed or ordained in each Free School, as to them ſhall ſeem moſt convenient and expedient, not exceeding One hundred and twenty Pounds *per Annum*, as aforeſaid.

AND be it hereby Enacted by the Authority aforeſaid, That a Supplementary Act for Free Schools made at a Seſſion of Aſſembly begun and held at the City of St. *Mary* the Twenty firſt Day of *September*, Sixteen hundred ninety four, be, and is hereby utterly repealed and made void.

Paſs'd in July, 1696. *Revis'd* May 30*th* 1715.

An Act for Sanctifying and keeping Holy the Lord's Day, commonly called Sunday. No. 3.

FORASMUCH as the Sanctifying and keeping Holy the Lord's Day, commonly called *Sunday*, hath been and is esteemed by the present and all the Primitive Christians and People, to be a principal part of the Worship of Almighty God, and the Honour due to his Holy Name; Be it Enacted by the King's most Excellent Majesty, by and with the Advice and Consent of this present General Assembly, and the Authority of the same, That from and after the Publication of this Law, no Person or Persons whatsoever within this Province, shall work or do any bodily Labour or Occupation upon the Lord's Day, commonly called *Sunday*, nor shall command or wilfully suffer any of his, her, or their Children, Servants, or Slaves, to work or labour, as aforesaid (the Works of absolute Necessity and Mercy always excepted) nor shall suffer or permit any of his, her, or their Children, Servants, or Slaves, or any other under their Authority, to abuse or prophane the Lord's Day, as aforesaid, by Drunkenness, Swearing, Gaming, Fowling, Fishing, Hunting, or any other Sports, Pastimes, or Recreations whatsoever: And if any Person or Persons within this Province, from and after the Publication hereof, shall offend in all or any of the Premisses, he, she, or they so offending, shall forfeit and pay for every Offence the Sum of One hundred Pounds of Tobacco, to the Use of the Poor of the Parish where the Offender or Offenders do dwell and reside, the said Offences or any of them being done in View of any Justice of the Peace, Magistrate, or other Head Officer, of any County, City, or Town Corporate within this Province, within their Limits respectively, or being proved by the Oath of Two or more Witnesses, or by Confession of the Party offending, before any such Magistrate, Justice, or Head Officer, within their several Limits respectively wherein such Offences shall be committed, to which End every Justice, Magistrate, or other Head Officer, shall have Power by this Act to administer Oath to such Witness or Witnesses; any of which Sum or Sums of Tobacco so forfeited, shall and may be executed and levied by the Sheriff or Constable by Warrant to any of them directed, from any such Justice or Justices of the Peace, Magistrate, or other Head Officer, as aforesaid, within their several Limits, where all or any of the said Offences shall be committed or done, by Distress or Sale of the Offender's Goods, rendring the Party the Overplus; all which Forfeitures shall be to our Sovereign Lord the King, His Heirs and Successors, to the Use aforesaid, to be recovered in any Court of Record within this Province, by any Person that will sue for the same, by Bill, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law, is to be allowed: And the said Justices, Magistrates, Head Officers, Sheriffs, or Constables, shall render an Account thereof at the next Court to be holden for the respective County, City, or Borough, where the said Offence shall be committed; and in Default of such Distress, the Sheriff, Under Sheriff, or Constable, are hereby authorized and impowered to bring the Party offending before the next Justice of Peace, who is hereby authorized and impowered to bind such Offender or Offenders over to the next Court to be holden for the County, City, or Borough respectively, and to be, during the Interval, of good Behaviour.

AND be it Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the Minister of each respective Church or Chapel of this Province do, in pursuance of His Majesty's Royal Letter directed to the Right Reverend Father in God, *Henry* Lord Bishop of *London*, and countersigned by the Right Noble Prince *Charles* Duke of *Shrewsbury*, Their Majesties

Principal

Principal Secretary of State, bearing Date the Thirteenth of *February*, *Anno Domini*, One thouſand ſix hundred and eighty nine, to be communicated to the Provinces of *Canterbury* and *York*, by himſelf or Clerk read Four times a Year, all Penal Laws of this Province made for Puniſhment of Vice, together with His ſaid Majeſty's Royal Letter, within their ſeveral and reſpective Pariſhes, under the Penalty of Two thouſand Pounds of Tobacco, to be recovered, as aforeſaid, to the Uſe aforeſaid.

BE it likewiſe Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That no Ordinary-keeper, or any other Maſter or Miſtreſs of a Family, from and after the time aforeſaid, either directly or indirectly by any Colour or Pretence whatſoever (unleſs in Caſes of abſolute Neceſſity) ſhall or may upon the Lord's Day ſell any Strong Liquor whatſoever to any Perſon whatſoever, or knowingly or wittingly ſuffer or permit in or about his, her, or their Houſe or Houſes, any Tipling, Drunkenneſs, Gaming, Exerciſe or Paſtime whatſoever, as aforeſaid, being convicted thereof by Two ſufficient Witneſſes, ſhall forfeit the Sum of Two thouſand Pounds of Tobacco; One Moiety thereof to our Sovereign Lord the King, His Heirs and Succeſſors, to the Uſe aforeſaid, the other Half to him or them that ſhall ſue for the ſame, to be recovered as aforeſaid; and if an Ordinary-keeper, to loſe his Licence.

AND it is hereby further Enacted, That the ſeveral Clerks of the ſeveral County Courts within this Province, be obliged hereby to ſuffer and permit the ſeveral Clerks of the ſeveral Veſtries to take Copies of all and ſingular the Acts of Aſſembly relating to Religion *gratis*, without taking or receiving any Fee therefore, under the Penalty of Two thouſand Pounds of Tobacco, to ſuch County Clerk refuſing the ſame, to the Uſe aforeſaid, to be recovered as aforeſaid.

Paſs'd in July, 1696.

N° 4. *An Act for keeping good Rules and Orders in the Port of* Annapolis.

FOR the better Ordering and Regulating of the Inhabitants of *Annapolis*, as well in ſeating and building the ſame, as otherwiſe, Be it Enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of this preſent General Aſſembly, and the Authority of the ſame, That the ſeveral Perſons in this Act mentioned, and their Succeſſors, ſhall and are hereby impowered and authorized to be Commiſſioners and Truſtees for the well Ordering and Regulating, and Propagating the ſaid Port of *Annapolis*, as well to the Building and Inhabiting the ſame, as to the peaceable and quiet Living and Reſiding therein, as alſo reſtrain and prevent all Diſorders and Diſturbances, and alſo all Inconveniencies and Annoyances within the Town and Port aforeſaid, by any Trades or Imployments, or Callings, that may cauſe Annoyance or Inconveniency to the Inhabitants (that is to ſay) *viz.* His Excellency *Francis Nicholſon* Eſq; the Honourable Sir *Thomas Laurence*, the Honourable *Nicholas Greenberry* Eſq; the Honourable *Thomas Tench* Eſq; Major *John Hammond*, Major *Edward Dorſey*, Mr. *James Sanders*, and Captain *Richard Hill*, or any Five of them, who are by this Act conſtituted, authorized, and incorporated into a Body Corporate, in Deed and in Name, by the Name of the Commiſſioners and Truſtees for the Town and Port of *Annapolis*, to ſue and be ſued, to anſwer unto and be anſwered, in any Court of Record within this Province,

touching

touching and concerning any Lands, Tenements, or Hereditaments, Goods, Chattels, Debts, Dues, and Demands, accruing, or being the Right, or growing due to or from the ſaid Commiſſioners and Truſtees of the ſaid Town and Port of *Annapolis*, and Appurtenances, in Right of the ſaid Town and Port, and not otherwiſe; to which End they are hereby impowered and required to meet together within the ſaid Port and Town, at ſuch convenient Place and Times, as to them ſhall ſeem meet and convenient.

AND to perpetuate the Succeſſion of ſuch Commiſſioners and Truſtees, Be it Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That when, and as often as any One of the Commiſſioners and Truſtees ſhall die, or depart the County or Province, ſo as he cannot execute the Truſt and Authority in this Act repoſed, One other fit and ſuitable Perſon, actually living, inhabiting and reſiding in the Town, being a Freeman of the ſame, and ſuch as is capable, either by Land or Eſtate, to ſerve as a Burgeſs, according to the Qualifications expreſſed in the Act of Aſſembly in ſuch Caſes made and provided, ſhall be choſen in the Room of ſuch abſent or deceaſed Member, by the Majority of Voices of the Freemen and Inhabitants of the ſaid Port and Town, at ſuch Time and Place within the ſame, as, by the Commiſſioners and Truſtees as aforeſaid, ſhall be appointed for that Purpoſe; of which Time and Place publick Notice ſhall be given by the ſaid Commiſſioners.

AND for the Encouragement of the Inhabitants of the Town and Port aforeſaid, and to enable them to keep Stocks of Cattle, Horſes, or Sheep, or ſuch like neceſſary Creatures, for their neceſſary Uſe; Be it likewiſe Enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners or Truſtees to purchaſe any Quantity or Quantities of Land next adjacent to the Town Land, for a Town Common, and to ſatisfy and pay for the ſame with the Tobacco or Money that now is, or hereafter ſhall be raiſed for any Lot or Lots of Land taken up in the ſaid Town, or by any other Money or Tobacco by the free Gift of any Perſon, or otherwiſe accruing, to the Uſe of the ſaid Town, or any other lawful Ways and Means whatſoever, ſo that the ſame be no wiſe burthenſome or a Charge to the Publick: And in caſe the Owners of any ſuch Land be incapable of making Sale thereof, by any manner of Diſability or Incapacity whatſoever, or wilfully refuſing the ſame, being offered the full real Value thereof, then and in ſuch Caſes it ſhall and may be lawful to and for the ſaid Commiſſioners and Truſtees to cauſe a Jury of Freeholders next adjacent, to be impannelled and ſworn to value the ſaid Land according to the Directions and Appointment of a former Act of Aſſembly of this Province, Intituled, *An Act for ſettling Aſſemblies and Provincial Courts; and Erecting a Court-Houſe at* Annarundell *Town in* Annarundell *County, for purchaſing and valuing the Town Land and Paſture within the ſame;* which Act alſo ſhall be Rules and Directions to the ſaid Commiſſioners and Truſtees for valuing, purchaſing, and paying for the ſaid Town Common; which ſaid Common, upon their performing the ſeveral Requiſites in the former Law directed, ſhall create and make a good, ſure and abſolute Eſtate of Inheritance in Fee-Simple to the ſaid Commiſſioners and Truſtees, and their Succeſſors for ever, to the only proper Uſe, Benefit and Behoof of the ſaid Town and Town People for a Town Common, and to no other Uſe whatſoever.

AND the better to enable the ſaid Commiſſioners and Truſtees to purchaſe and pay for the ſame, Be it likewiſe Enacted, That all Perſon or Perſons holding any Lot or Lots of Land, or that ſhall hereafter take up or hold any in the Town aforeſaid, ſhall, for every Lot of Land he holds, or ſhall hold in the Town aforeſaid, pay to the Commiſſioners and Truſtees aforeſaid, towards the purchaſing the Town Common aforeſaid, the proportionable Part of the Value or Purchaſe of the ſaid Town Common, proportionable to the Quantity of Land ſuch Perſon or Perſons holds in the ſaid Town; and ſhall hereby have Right

of Commonage upon the ſaid Town Common, and not otherwiſe; And upon Refuſal of any Perſon or Perſons to pay ſuch his proportionable Part towards the Purchaſe of the Town Common aforeſaid, being tendred to him, and demanded of him, as aforeſaid, it ſhall be at the Liberty of any other Perſon to pay ſuch proportionable Part ſo refuſed, and ſhall thereby have that Right of Commonage.

And whereas there is a certain Quantity of Land in the ſaid Port and Town, laid out and aſſigned for Wharfage, and Building of Keys and Wharfs, and Warehouſes thereon, It it hereby Enacted and Declared by the Authority aforeſaid, That if the Owners of the ſaid Land next adjacent thereunto, ſhall omit, neglect, or refuſe to build ſuch neceſſary Wharfs, or Keys, or Warehouſes thereon, for the propagating of Trade as aforeſaid, in Eighteen Months from the Publication of this Act, it ſhall be lawful to and for any other Perſon or Perſons to take up the ſame Land aſſigned for Wharfs, Keys, and Warehouſes aforeſaid; and upon ſuch Perſon or Perſons building a ſubſtantial Twenty Foot Square Brick Warehouſe upon every Forty Foot Square of the ſaid Land, ſhall inveſt ſuch Perſon or Perſons with a good and ſure Eſtate of Inheritance in Fee-Simple, of, in, and to every ſuch Forty Foot Square of Land upon which ſuch Warehouſe ſhall be built, as aforeſaid.

And for the better Conveniency of the Trade of the ſaid Town, his Excellency *Francis Nicholſon* Eſq; preſent Governor of this Province, hath cauſed Four Rolling Roads to be marked and cleared for the Rolling or Tranſporting Tobacco or Goods by Land (that is to ſay) One Road between *Patuxent* River and *South* River, beginning at the Mouth of a great Branch called *Stockett's Run*, and running from thence about North Eaſt and by Eaſt, Five Miles, Six Furlongs and Sixteen Poles, to a Creek in *South* River, called *Beard's Creek* in *South* River aforeſaid; the other Road begins at a Cove in a Creek called *Boldwin's Creek* in *South* River, and runs thence about North Eaſt, One Mile, One Furlong or Eighteen Poles, to the Head of *Ship Creek* in *Severne* River; the other Road begins at *Severne* River below *Eagle Weſt Bay*, runs to the Northward of the North Eaſt One Mile, One Furlong and Twenty five Pole, to a Creek in *Magottee* River, called *Clark's Creek*; the other Road begins by the ſaid *Magottee* River-ſide above the Mouth of a Cove called *Wood's Paſture Cove*, and runs thence about Eaſt North Eaſt, One Mile, Six Furlongs and Thirty Pole, to a Creek in *Patapuo* River called *Rock Creek*: Be it therefore Enacted by the Authority aforeſaid, That the ſaid Roads, and every of them, ſhall be conſtantly kept, cleared and grubbed, as other Publick Roads by the Directions and Appointment of the Juſtices of the County Courts, in which the ſaid Roads lie; nor ſhall the ſame be block'd up or turned by any Perſon whatſoever, under the Penalties of this or any other Law provided to the contrary: And it ſhall and may be lawful to the Commiſſioners and Truſtees aforeſaid, to purchaſe of any Perſon or Perſons One Acre of Land at each End of every the ſaid Rolling Roads, for the building of a Warehouſe thereon, for the putting and ſecuring the Tobacco, or other Goods, as aforeſaid; or upon Refuſal or Incapacity of the Owners, to ſell the ſame, the ſaid Commiſſioners and Truſtees may cauſe the ſame to be valued in Manner and Form, as aforeſaid, for Valuing of the Town Land and Common; which ſaid Acre of Land at each End of every of the ſaid Roads ſhall be to the Uſe of the ſaid Town for Building of Publick Warehouſes upon, if they pleaſe, for the common Uſe and Profit of the ſaid Town for ever: But if the Commiſſioners and Truſtees of the ſaid Town ſhall not build Warehouſes thereon in Eighteen Months after the Laying out of the ſame, then it ſhall and may be lawful for any other Perſon or Perſons to take up the ſaid Lots, or either of them, and build Warehouſes thereon, but not to inhabit or dwell; which Perſon or Perſons ſo taking up ſuch Lot or Lots, and building a good ſubſtantial Twenty Foot Square Brick Warehouſe upon each Lot, within

in Eighteen Months after the taking up the ſaid Lots, together with his Entring the ſame with the Clerk of the Town, and paying the Value ſet upon the Lots, as aforeſaid, ſhall make to ſuch Perſon or Perſons a good Eſtate of Inheritance in Fee-Simple, to ſuch Acre or Acres of Land, as aforeſaid, to the Uſe of building Warehouſes thereon, and to no other Uſe or Purpoſe whatſoever.

And whereas his ſaid Excellency the Governor hath requeſted to have a certain Parcel of Land in the Publick Paſture, and according to the Dimenſions thereof mentioned and laid down in the Plat of the Town, for planting and making a Garden, Vineyard, or Summer Houſe, or other Uſe; Be it therefore Enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Commiſſioners and Truſtees to lay out and allot to his Excellency, the ſaid Parcel of Land of the ſaid Town Paſture, which ſhall be to his Excellency, and his Heirs and Aſſigns for ever, in Fee-Simple, the ſaid Commiſſioners keeping a Record of the Bounds thereof.

And for the Aſcertaining of the Bounds and Limits of the ſaid Town Paſture and Common, and the ſeveral Lots and Dividends in the ſame contained, Be it Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That the Dimenſions, Bounds and Courſes thereof, ſhall, at all times hereafter, be adjudged, held, taken, and reputed according to the Map and Plat thereof, being drawn up and preſented by *Richard Beard* Gent. by Order and Directions of his Excellency, carefully examined and ſealed with the Great Seal of the Province at the Four Sides thereof, and upon the Backſide thereof ſealed with his Excellency's Seal at Arms on a Red Croſs with Red Tape, and remaining in the Secretary's Office, or to be hung up in the Court Houſe.

And whereas Part of the Town Land belongs to the Right Honourable *Charles* Lord Baron of *Baltemore*, to whom Application hath been made to beſtow the ſame upon the Town *gratis*, which if his Lordſhip ſhall be pleaſed to do, leſt any Perſon or Perſons, whoſe Lots may happen to be within the ſame, ſhould thereby claim or pretend an Impunity againſt the Payment of the Charge aſſeſſed to each Lot, according to the Value thereof for other Lots; Be it Enacted by the Authority aforeſaid, That the ſame Land ſhall notwithſtanding be valued as the other Town Land, and each particular Perſon pay his proportionable Part to the Commiſſioners and Truſtees, for the Uſe of the Town. And further, the ſaid Commiſſioners or Truſtees, or the major part of them, or not leſs than the Number of Three at leaſt, are hereby authorized and impowered to hear and determine all or any Action, Suit, or Difference, ariſing between the Townſmen or Freemen of the ſaid Town, for any thing accruing in the ſaid Town, not exceeding the Sum of Five Pounds *Sterling*, or One thouſand Pounds of Tobacco, or the Value thereof in other Goods or Merchandizes, and to award Judgment and Execution thereon; and to that Purpoſe to make and conſtitute ſuch and ſo many Officers, as ſhall be requiſite for the holding of a Court of Judicature, ſuch as Clerk, Cryer, Attornies or Solicitors, the Sheriff of *Annarundell* County being always obliged to attend them; and to ſettle and make ſuch reaſonable Fees and Allowances to them, not exceeding half the Fees allowed to the Officers of County Courts; and to puniſh all Miſdemeanors and Breaches of the Peace, not extending to Life and Member, committed or done within the ſaid Town; and to impoſe any Fine or Fines, either upon the Officers or Suiters to the ſaid Court, for any Neglect or Contempt of the Authority of the ſaid Court, or otherwiſe; and the ſame to execute, not exceeding the Sum of Twenty Shillings *Sterling*, or Two hundred Pounds of Tobacco in any ſuch Fine, to be to the Uſe of the ſaid Town: And the ſaid Commiſſioners and Truſtees aforeſaid are likewiſe hereby impowered to make ſuch Orders, from time to time, as Need ſhall require, and to make ſuch By-Laws, Rules, and Orders,

Orders, for the good Government and Regulating the Inhabitants of the ſaid Town, and not being diſſonant, but, as near as may be, conſonant and agreeable to the good Laws of *England* and this Province. And it is hereby Declared, That his Excellency *Francis Nicholſon* Eſq; preſent Governor of this Province, and the Members of His Majeſty's moſt Honourable Council, and the ſeveral Burgeſſes of this preſent General Aſſembly, and every other Perſon or Perſons having a Lot of Land in the Town, and reſiding there, or a Trade in the Town Paſture, ſhall be deemed and taken as Freemen of the Town aforeſaid, and no others; Saving that all Merchants, Maſters, Mates, Gunners, Carpenters, and Boatſwains, that make this Port their conſtant Port of Trade, by Two Voyages at leaſt, ſhall have and enjoy the Privilege of Freemen, during their Reſidence or reſiding at the Port aforeſaid.

AND for Encouragement of all ſorts of Tradeſmen, or Men of Calling, to come and inhabit in the Town aforeſaid, Be it Enacted by the Authority aforeſaid, That when any Baker, Brewer, Tanner, Dyer, or any ſuch Tradeſmen, that by the Practice of their Trades may any ways annoy or diſquiet the Neighbours or Inhabitants of the Town, it ſhall and may be lawful for the Commiſſioners and Truſtees aforeſaid, to allot and appoint to ſuch Tradeſmen ſuch Part or Parcel of Land out of the preſent Town Paſture, as to the ſaid Commiſſioners ſhall ſeem meet and convenient for the Exerciſe of ſuch Trade, a ſufficient Diſtance from the ſaid Town, as may not be Annoyance thereto, not exceeding the Quantity of One Lot or Acre of Land to any One Tradeſman, as aforeſaid; and provided the ſame Trade and Lots of Land for that Uſe, may be as near together and contiguous as the Nature of the Trade will allow of, without hindring or annoying one another; which ſaid Appointment and Parcel of Land aforeſaid, allotted by the Commiſſioners and Truſtees aforeſaid, ſhall be to ſuch Perſons, Tradeſmen, and their Heirs for ever, and to the Maintenance of ſuch Trade, and not otherwiſe; and upon their Failing to uſe ſuch Trade by the Space of Eighteen Months, every ſuch Lot, or Parcel of Land that was allotted for the ſame, ſhall revert to the Uſe of the Town, to be diſpoſed of by the Commiſſioners and Truſtees aforeſaid.

AND be it Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That it ſhall and may be lawful to and for the Commiſſioners and Truſtees to make, erect, and conſtitute a Market to be held once every Week, and a Fair once every Year to be held at ſuch Place in the ſaid Town, and at ſuch Days in the Week, and Times of the Year, as to the ſaid Commiſſioners and Truſtees ſhall ſeem meet and convenient, for the Vending, Selling, Buying and Purchaſing all or any ſort of lawful Goods, Chattels, Wares or Merchandizes whatſoever, with ſuch Rules and Orders for Holding the ſame, as to the ſaid Commiſſioners and Truſtees aforeſaid ſhall ſeem expedient; and that all Perſons that ſhall have Occaſion to come, and ſhall come to ſuch Fairs or Markets, during the holding of ſuch Fair or Market, ſhall not be ſubject to any Arreſt, nor be arreſted by any Officer whatſoever, during ſuch Perſon's Continuance in the ſaid Fair or Market, except in Caſes of Treaſon, Murder, or Felony; but in all other Caſes, during his or their Continuance in the ſaid Market or Fair, and coming to, and going from the ſame, ſhall be ſaved and kept harmleſs by the Tenor of this Act.

AND be it further Enacted by the Authority aforeſaid, That all thoſe Deeds, Obligations, Writings and Evidences made by and between his Excellency *Francis Nicholſon* Eſq; Captain General and Governor of this Province, of the one Part, and *Anthony Workman* of *Kent-Iſland* in the County of *Talbot*, of the other Part, and *William Freeman* Bricklayer of *Philadelphia* in *Penſilvania*, of the other Part, concerning a Lot of Land in the ſaid Town, and building an Houſe thereon, to the Uſe of the ſaid *Anthony Workman*, during his Natural Life, and after his Deceaſe, to the Uſe of the Free School of this Town for ever,

ever, bearing Date the Eighth Day of *June*, *Anno Domini*, One thouſand ſix hundred twenty ſix, and ordered to be recorded in the Journal of the Governor and Council, and the Houſe of Burgeſſes of this General Aſſembly, be of abſolute and full Force, and available in Law, to the Uſes therein expreſſed, according to the true Intent and Meaning thereof; Any Defect in Form, or Want of Form in the ſame notwithſtanding.

Paſs'd October 2. 1696. *Revis'd* May 31. 1715.

An Act for the Eſtabliſhment of Religious Worſhip in this Province, according to the Church of England ; *and for the Maintenance of Miniſters.* No 5.

FORASMUCH as in a well grounded Chriſtian Commonwealth, Matters concerning Religion and the Honour of God, ought in the firſt place to be taken into Conſideration, and honeſt Endeavours to attain to ſuch good Ends countenanced and encouraged, as being not only moſt acceptable to God, but the beſt Way and Means to obtain his Mercy, and a Bleſſing upon a People or Country; Be it therefore Enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of this preſent General Aſſembly, and by the Authority of the ſame, That the Book of Common Prayer, and Adminiſtration of the Sacraments, with other Rites and Ceremonies of the Church, according to the Uſe of the Church of *England*; the Pſalter or Pſalms of *David*, and Morning and Evening Prayer therein contained, be ſolemnly read by all and every Miniſter or Reader in every Church, which now is, or hereafter ſhall be Settled and Eſtabliſhed within this Province; and that all Congregations and Places for the Publick Worſhip, according to the Uſage of the Church of *England*, within this Province, for the Maintenance of whoſe Miniſters, and of the Perſons Officiating therein, any certain Income or Revenue is or ſhall, by the Laws of this Province, be eſtabliſhed and enjoyned to be raiſed or paid, ſhall be deemed ſettled and eſtabliſhed Churches.

AND for the Encouragement of Faithful and Able Miniſters, labouring in the Work of the Goſpel, to come and reſide in this Province; Be it Enacted by the Authority aforeſaid, That a Tax or Aſſeſſment of Forty Pounds of Tobacco *per* Poll, be Yearly and every Year ſucceſſively levied upon every taxable Perſon within each reſpective Pariſh within this Province, as they have been, now are, or hereafter ſhall be laid out, limited, and appointed by the Laws of this Province, and entred upon Record, as the ſaid former Laws therein did direct; which ſaid Aſſeſſment of Forty Pounds of Tobacco *per* Poll, ſhall always be paid and allowed to the Miniſter of each reſpective Pariſh, having no other Benefice to officiate in, preſented, inducted, or appointed by his Excellency the Governor or Commander in Chief for the time being: And every ſuch Miniſter is hereby required and enjoyned to appoint, and conſtantly to keep a Clerk of ſuch Pariſh-Church, and to pay and ſatisfie ſuch Clerk the Sum of One thouſand Pounds of Tobacco, Yearly and every Year, out of the ſaid Forty *per* Poll.

AND to prevent all illegal and unlawful Marriages, not allowable by the Church of *England*, but forbidden by the Table of Marriages; Be it Enacted by the Authority aforeſaid, That no Miniſter, Prieſt, or Magiſtrate, ſhall preſume to joyn together in Marriage any Perſons whatſoever, contrary to the Table of Marriages by this Act appointed to be ſet up in every Pariſh-

Church within this Province, under the Penalty of Five thouſand Pounds of Tobacco; nor ſhall any Perſon, forbidden to intermarry by ſuch Table of Marriages, preſume to be joyned in Marriage, under the like Penalty of Five thouſand Pounds of Tobacco; ſuch Penalty and Forfeiture on either Side to be made to our Sovereign Lord the King, His Heirs and Succeſſors, for the Uſes in this Act hereafter mentioned.

AND to prevent any Lay Perſons from joyning any Perſons in Marriage where any Miniſter or Prieſt can be had, and to aſcertain what ſhall be paid for Marriages; Be it likewiſe Enacted by the Authority aforeſaid, That in every Pariſh, where any Miniſter or Incumbent ſhall reſide and have Charge of Souls therein, no Juſtice or Magiſtrate, being a Layman, ſhall joyn any Perſon in Marriage, under the Penalty of Five thouſand Pounds of Tobacco for ſuch Offence, to our Sovereign Lord the King, as aforeſaid. And it ſhall be lawful to every Miniſter to take and receive of every Perſon or Perſons by him married, the Sum of Five Shillings *Sterling*, and no more: Provided ſuch Perſons come to ſuch Pariſh-Church or Chapel at time of Divine Service, for Solemnizing of ſuch Marriage.

AND for the better and more effectual Collecting of the ſaid Duty of Forty Pounds of Tobacco *per* Poll, and paying the ſame to the Uſes in this Law intended and appointed; Be it Enacted, That the Sheriff of each ſeveral County ſhall and is hereby obliged to collect and gather the ſaid Aſſeſſment of Forty *per* Poll, of the ſeveral Perſons within each reſpective Pariſh in his County, in the ſame Manner, and by the ſame Authority, as the Publick and County Levies are collected; and ſhall pay the ſame Forty Pounds *per* Poll to the Miniſter or Incumbent in each reſpective Pariſh.

AND the better to promote the Execution of the good Laws of this Province ſo far as concerns the reſpective Pariſhes, and for the more eaſie Diſpatch of the Pariſh Buſineſs; Be it further Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That there be ſelect Veſtries in each Pariſh of this Province, and that the ſeveral Veſtrymen of the ſeveral Pariſhes within this Province, that now are, or hereafter ſhall be choſen, be ſuch ſelect Veſtry, of which Veſtry the Number ſhall always be Six at leaſt; except upon Death or Reſignation, or other Diſcharge of any of them, according to the Proviſion herein made to that Purpoſe: And in ſuch Caſe of Death or Reſignation, or other legal Diſcharge from ſerving, the remaining Part of ſuch Veſtries ſhall, with all convenient Speed, ſummon and appoint a General Meeting of all the Inhabitants of the ſaid Pariſh, who are Freeholders within the ſame Pariſh, and contribute to the Publick Taxes and Charges of the ſaid Pariſh, who ſhall, by Majority of Voices, elect and chuſe One or more ſober and diſcreet Perſon or Perſons, Freeholders of each reſpective Pariſh, to ſupply ſuch Vacancies; and ſuch Perſon or Perſons, ſo elected and choſen, ſhall take the uſual Oath appointed by Act of Parliament, inſtead of the Oath of Allegiance and Supremacy, and the following Oath, (*viz.*)

I Do ſolemnly Swear and Declare, That I will juſtly and truly execute the Truſt or Office of a Veſtryman of this Pariſh, according to my beſt Skill and Knowledge, without Prejudice, Favour or Affection.

Which ſaid Oaths, at the Election of a New Veſtry, are to be adminiſtred by any Juſtice of Peace of the County, City, or Place, where ſuch Veſtry is, who is hereby required and impowered to adminiſter the ſame; and upon Elections afterwards, either by a Juſtice of Peace, as aforeſaid, or the Firſt Veſtryman, who is hereby likewiſe required and impowered to adminiſter the ſame: And each

each Perſon ſo elected and choſen, ſhall likewiſe ſubſcribe the Teſt, and alſo the Aſſociation; and having ſo done, and not before, ſhall be deemed and taken as One of the Veſtry to all Intents and Purpoſes.

And it is hereby further Ordained and Enacted by the Authority and Conſent aforeſaid, That Two New Veſtrymen ſhall be annually choſen in the Places of Two others, who ſhall be left out; to which Purpoſe all the Inhabitants of every Pariſh, being Freeholders within the ſame Pariſh, and contributing to the Publick Charges and Taxes thereof, or ſuch of them as ſhall think fit to attend, ſhall repair to their reſpective Pariſh-Churches every Year ſucceſſively, upon *Eaſter Monday*, and there by their Free Choice declare what Two Perſons ſhall be diſcharged from their being Veſtrymen, and chuſe Two others, qualified according to this preſent Act, in their Stead and Room, who taking the Oaths, and performing all other things required by this preſent Act, or other the Laws of this Province, for Veſtrymen, ſhall be deemed and taken to be Members of the ſaid Veſtry to all Intents and Purpoſes.

Provided always, That in every Pariſh where any Miniſter or Incumbent is or ſhall be lawfully, according to the Laws and Uſages of this Province, appointed, and in Poſſeſſion of any Living inveſted with the Forty Pounds *per* Poll, and reſiding therein, he ſhall, during the Continuance aforeſaid, and no longer, be One of the Veſtry of ſuch Pariſh, and Principal of ſuch Veſtry, altho' there be the Number of Six Perſons or more beſides.

And for keeping a fair Regiſter of all ſuch Veſtry's Proceedings, and for regiſtring of all Births, Marriages, and Burials in each reſpective Pariſh; Be it Enacted by the Authority, Advice and Conſent aforeſaid, That each Veſtry ſhall and is hereby obliged to provide a fit Perſon for a Regiſter, who ſhall, at all times, keep a true and fair Regiſtry of the ſeveral Proceedings of ſuch Veſtry, from time to time, in executing their Truſt and Authority, and make juſt and true Entries thereof; which Perſons, ſo to be appointed for keeping ſuch Regiſtry, ſhall take the Oaths ſubſtituted in the Place of the Oaths of Allegiance and Supremacy, and ſubſcribe the Teſt and Aſſociation, and alſo an Oath to be given him by the ſaid Veſtry, which Oath the ſaid Veſtry are hereby impowered to adminiſter accordingly, for the due and faithful Executing his ſaid Office, before he ſhall be admitted into the ſaid Office; and ſhall make true Entry of all Veſtry Proceedings, and of all Births, Marriages, and Burials (Negroes and Mallattoes excepted) that is to ſay, the Chriſtian and Sirname, with the Day, Month, and Year of every ſuch Births, Marriages, and Burials; to which Purpoſe all and every the Inhabitants of each Pariſh, that are either Parent, Guardians, Overſeers, Maſters or Miſtreſſes of any Perſon, born, married or buried, are hereby enjoyned and required to give Notice to the Regiſter of ſuch Pariſh, within Two Months after ſuch Birth, Marriage, and Burial, and pay him Six Pence for Entring it, at the time of giving Notice aforeſaid, under the Penalty of One hundred Pounds of Tobacco, to be forfeited by ſuch Inhabitant aforeſaid refuſing or neglecting, as aforeſaid, and under the Penalty of One hundred Pounds of Tobacco, to be forfeited by ſuch Regiſter refuſing or neglecting to enter it, having received his Fee for the ſame: And ſuch Regiſter is hereby obliged to ſhew any Perſon or Perſons (reaſonably deſiring it) any ſuch Regiſter, or give a Certificate of any Regiſter of Births, Marriages, or Burials, that ſhall be reaſonably required of him; and ſhall have for his Fees from ſuch Perſons, Six Pence for any Search, and Six Pence for any Copy or Certificate given, as aforeſaid, and no more, hereby ratifying and confirming as valid all Regiſters or Entries of any Births, Marriages, or Burials, heretofore made with any Clerk of any County Court, according to the Directions of ſuch Laws, as were then in Force, before any of thoſe Laws were in being.

AND that the Regiſter of each Pariſh may be enabled to perform the Charge hereby required of him, Be it Enacted by the Authority, Advice, and Conſent aforeſaid, That if there be any Veſtries of any Pariſhes, that have not already provided good and ſubſtantial Writing Books well bound, ſufficient for regiſtring ſuch Proceedings in, according to the Directions of the former Laws, that in every ſuch Caſe of ſuch Neglect or Omiſſion, the Veſtry of ſuch Pariſh ſhall, at the Pariſh Charge, provide ſuch Book or Books, within Six Months from the End of this Seſſions of Aſſembly, under the Penalty of Five hundred Pounds of Tobacco, each Veſtryman (the Miniſter only excepted) neglecting as aforeſaid, to our Sovereign Lord the King, for the Uſes within mentioned. And that there may be no Neglect in the Veſtries, or thoſe imployed under them in the lawful and conſcionable Performance of their ſeveral Charges, the ſaid ſeveral Veſtries are hereby obliged to meet once in every Month, or as often as Need ſhall require, upon publick Notice given by the principal Veſtrymen of each Pariſh, to conſult of the Methods and Ways of performing the ſeveral Authorities repoſed in them ; and from which Veſtry ſo appointed, no Veſtryman, being perſonally ſummoned, ſhall, without a reaſonable and lawful Excuſe, abſent himſelf, under the Penalty of ſuch Fine or Mulct, as the Reſidue of the ſaid Veſtry meeting ſhall lay upon them, ſo as the ſame never exceed One hundred Pounds of Tobacco; and upon Default or Neglect in ſuch principal Veſtryman, as is before mentioned, to ſummon a Veſtry when there is Need for One, and he is thereunto requeſted, any other Three of the Veſtry, or if there ſhall happen by any Accident to be but Two of the ſaid Veſtry, beſides the principal Veſtryman reſiding in the ſaid Pariſh, ſuch Three, or Two, ſhall have Power and Authority to ſummon and appoint a Veſtry to be holden ; and all ſuch Omiſſions and Neglects to be noted in the Veſtry's Regiſter of Proceedings ; and any Forfeitures thereby incurred, to be recovered in His Majeſty's Name. And the ſaid ſeveral and reſpective Veſtries are hereby further enjoyned, that where there are no Tables of Marriages already put up in their reſpective Pariſh-Churches, with all convenient Speed, and within Six Months at the moſt, to procure a fair Table of Marriages tranſcribed, and ſet up in their reſpective Churches, and the ſame keep continually in the ſaid Church, that Perſons being thereby informed what Marriages are forbidden, may avoid the Contracting of any ſuch unlawful Marriages : And that the ſaid Veſtrymen, and the reſt of the Inhabitants of every Pariſh, being Freeholders within the ſame Pariſh, and contributing to the Publick Taxes and Charges there, do once every Year, upon *Eaſter Monday*, Yearly, make choice and appoint Two Sober and Diſcreet Perſons, Freeholders of their reſpective Pariſhes, to be Church-wardens for that Year ; all the Inhabitants of every Pariſh, being Freeholders within the ſame Pariſh, and contributing to the Publick Taxes and Charges thereof, having Liberty alſo to vote in the Choice of Church-wardens ; each Veſtryman (excepting as before excepted) being under the Penalty of Two hundred Pounds of Tobacco for neglecting either to procure a Table of Marriages, or to appoint Church-wardens, to our Sovereign Lord the King, as aforeſaid ; which Church-wardens ſo choſen, ſhall take the uſual Oaths, and likewiſe declare on his Oath, to be adminiſtred unto him by the Veſtry, to whom Power is hereby given to adminiſter the ſame accordingly, well and faithfully to execute that Office for the enſuing Year, according to the Laws and Uſages of the ſaid Province, to the beſt of his Skill and Power, until he ſhall be thereof duly diſcharged. And any ſuch Perſon or Perſons, ſo choſen Church-warden or Wardens, that ſhall wilfully refuſe to ſerve in the ſaid Office, and take the Oaths aforeſaid, ſhall be fined One thouſand Pounds of Tobacco to our Sovereign Lord the King. And the Church-wardens and Veſtry are authorized and required to take conſtant Care to ſatisfy and pay the Parochial Charges, and all neceſſary Repairs and Amendments of their reſpective Churches, Chapels, or Church-Yards, and cauſe the ſame, at all times, to be repaired and amended,

amended, as Need ſhall require, out of ſuch Gifts, Goods, or Chattels, as ſhall come to their Hands for the Church, or Pariſh's Uſe; and towards the Payment of which Parochial Charges all the Fines, Forfeitures and Mulcts by this Law incurred, ſhall be levied by the Church-wardens in each reſpective Pariſh, and by them accordingly applied: And in caſe they ſhall not have ſufficient Effects to pay Parochial Charges, as aforeſaid, or to make ſuch neceſſary Repairs as are required, then, and not otherwiſe, it ſhall be lawful for the Juſtices of the County Courts, upon Application of ſuch Pariſh, Veſtry and Church-wardens, to aſſeſs the reſpective Pariſhes by a certain Sum of Tobacco, not exceeding Ten Pounds of Tobacco, by the Poll, in any One Year; which Aſſeſſment made by ſuch County Court, and a Certificate thereof under the County Seal, ſhall be ſufficient to the Sheriff of ſuch County to levy ſuch Tax by the Poll on the Taxables of ſuch Pariſhes, in the ſame manner as other Publick Dues are levied; and ſhall not deduct above Five *per* Hundred for his Salary, and pay the ſame to ſuch Veſtry for the Uſe aforeſaid.

And to the Intent that this Act may anſwer the End of the Makers, which is, That His Majeſty's good Subjects of this Province may be inſtructed in Religion, and therein of their Duty to God, His Majeſty, and themſelves, and thoſe pious and exemplary Perſons, that ſhall labour therein, ſuitably provided for; Be it Enacted by the Authority, Advice, and Conſent aforeſaid, That no Miniſter or Incumbent ſhall, at One time, hold more than Two Pariſhes; nor Two, unleſs by the Deſire and Agreement of the Veſtry of the ſaid adjacent Pariſh, and Conſent of the Veſtry where he reſides, and Appointment of the Ordinary: And where there are not, or ſhall not be Miniſters in any Pariſh, it ſhall and may be lawful for the Veſtry to provide ſome ſober and diſcreet Perſon as a Reader, and to preſent him to the Ordinary, who may ſequeſter part of the Forty *per* Poll to pay him for ſuch Service; and the reſt to be applied as the Law in Caſes of ſuch Vacancies directs: And upon ſuch Reader's taking the aforeſaid Oaths appointed by Act of Parliament, ſubſcribing the Teſt and Aſſociation, and procuring Licence from the Ordinary, ſhall and may read Divine Service, Homilies, and ſuch other good Authors of Practical Divinity, as ſhall be appointed, at the uſual Times, in ſuch Church or Chapel; and therein ſhall demean himſelf according to the Liturgy of the Church of *England*, as aforeſaid.

And for the preventing of Delays and other Inconveniencies which might happen, if there were a Neceſſity for the expecting the Attendance and Preſence of all the ſaid Veſtrymen, and at the ſame time to prevent the doing any thing of Conſequence by Surprize by a ſmall Number of them; Be it hereby Enacted, That the Firſt *Tueſday* in every Month ſhall be, and is hereby fixed and aſcertained for the Holding of a Veſtry at Eleven of the Clock in the Forenoon, in the uſual Place for that Purpoſe, without any Notice or Warning to be given thereof; at which Time and Place the major part of the Veſtrymen then preſent (ſo as ſuch Majority be not under the Number of Three Perſons) ſhall be eſteemed as a Veſtry, and ſhall have full Power to order, direct, and act in all things by this Act appointed to be done, according to this Act, as a Veſtry. And in caſe any Veſtryman ſhall remove or withdraw himſelf from the Pariſh, or voluntarily frequently neglect to give his Attendance, and abſent himſelf from the Veſtry, or otherwiſe become unfit or uncapable to continue to execute ſuch Office or Truſt, that in any ſuch Caſe the Reſidue of the ſaid Veſtry, or the Majority of them (ſo as ſuch Majority be not under Three Perſons) ſhall and may have Power, after Perſonal Notice given to ſuch Party, if it conveniently may be, or the affixing of a publick Note upon the great Door of the Church for Three ſeveral *Sundays* ſucceſſively, if Perſonal Notice cannot be given without great Difficulty, Charge, or Delay, of their Intentions to proceed in ſuch manner, to remove ſuch Perſon from being a Veſtryman, and to declare his Office void, and to ſummon a Meeting of the Pariſhioners,

qualified as is above directed, for the Electing of another in the Place of ſuch Perſon, who ſhall, after allowing a reaſonable Time to ſuch Perſon to make his Complaint, if he apprehends himſelf injured, not exceeding a Fortnight, proceed to a New Election accordingly.

And that there may not be any Oppreſſion, or Miſapplication of the publick Revenue, by ſuch Veſtries, or juſt Cauſe of Complaint againſt them in any of their Proceedings without Redreſs; Be it Enacted by the Authority, Advice and Conſent aforeſaid, That all and every Pariſhioner and Pariſhioners whatſoſoever, who contribute to the Publick Taxes and Charges of the ſaid Pariſh, ſhall and may require the Regiſter herein before mentioned, at any reaſonable and convenient Time or Times, to give them an Inſpection of the Veſtry Books and Accounts of all and every their Orders and Proceedings; and ſhall and may take Copies thereof, paying a reaſonable Fee for the ſame according to the Length thereof, and the Trouble of Attendances; and that all and every Perſon and Perſons whatſoever, who ſhall find or apprehend him, her, or themſelves greived or injured, or that the Body of the ſaid Pariſh is injured or oppreſſed by any Acts, Orders, Rules, Accounts, or other Proceedings of any ſuch Veſtry, the Parties ſo injured, or any others in their Behalf, or in the Right of the whole Body, may, from time to time, appeal for Redreſs againſt all and every ſuch Orders, Accounts, and other Proceedings, to the Governor, or Deputy Governor, for the time being, and Council of the ſaid Province, who are hereby required and impowered to examine, hear, and determine all and every ſuch Appeals and Complaints for Redreſs, and to give Redreſs, as they in their Judgments ſhall think agreeable to Equity and Juſtice; and ſuch their Order, Judgment, and Decree, ſhall be final and bind all Parties: (The Right of Appeal being always reſerv'd to His Majeſty in Council, according to the Laws of this Province.)

Provided always, That every of His Majeſty's Proteſtant Subjects within this Province, diſſenting from the Church of *England*, as to Matters relating to the Worſhip and Service of Almighty God, and the Diſſenters commonly called *Quakers*, in all Matters relating to the taking of Oaths, and all Proteſtant Diſſenters whatſoever, as to all Diſcharges and Exemptions from Penalties or Forfeitures upon Account of their Diſſenting, Separate Meetings, or other Matters, wherein Toleration and Eaſe is granted to Proteſtant Diſſenters by One Act made in the Firſt Year of the Reign of His preſent Majeſty and His late Conſort Queen *Mary*, of Bleſſed Memory, Intituled, *An Act for Exempting Their Majeſties Proteſtant Subjects, diſſenting from the Church of* England, *from the Penalties of certain Laws*; and by another Act made in the Seventh and Eighth Years of the Reign of His preſent Majeſty, Intituled, *An Act that the Solemn Affirmation or Declaration of the People called* Quakers, *ſhall be accepted inſtead of an Oath in the uſual Form*, ſhall have the full Benefit of all Exemptions, Eaſe, and Indulgencies by the ſaid Acts granted and allowed, according to the true Intent and Meaning of the ſaid Acts, they reſpectively conforming themſelves in their Meeting and Aſſembling, and in all other Things, to the Orders and Rules enjoyned by the ſaid Acts, with this Alteration only, that the ſeveral Things required or appointed by the ſaid Acts to be done, by or at the General Quarter-Seſſions of the Peace, or any other Court whatſoever, or by or to any One ſingle Juſtice of the Peace, ſhall be done by, to, and at the reſpective County Courts of this Province, within whoſe Juriſdiction the Matter ſhall fall out, and before, to, or by the Juſtices of the ſame: And that the ſeveral Places uſed for Religious Worſhip by any ſuch Diſſenting Congregation or Aſſembly, ſhall be certified unto, and regiſtred at the ſaid County Court in the ſame manner, as is by the ſaid firſt mentioned Act appointed to be done, to the Biſhop of the Dioceſe, the Archdeacon of the Archdeaconry, and the Juſtices of the Peace at the General Quarter-Seſſions.

PROVIDED alſo, and be it further Enacted, That one Act made at a General Aſſembly, begun and held at the Port of *Annapolis* the Twenty ſixth Day of *April*, One thouſand ſeven hundred, Intituled, *An Act for the Service of Almighty God, and Eſtabliſhment of Religion in this Province, according to the Church of* England, be, and is hereby repealed and made void.

Paſs'd March 16*th*, 1701.

An Act for Erecting Annarundell *and* Oxford *Town into Ports and Towns.* N° 6.

BE it Enacted by the King and Queen's moſt Excellent Majeſties, by and with the Advice and Conſent of this preſent General Aſſembly, and the Authority of the ſame, That from and after the Publication hereof, the Land, called the Town Land at *Severne* in *Ann Arundell* County, where the Town was formerly, and the Land at *Oxford* in *Talbot* County, where the Town was formerly, ſhall from henceforth be Towns, and Ports, and Places of Trade, where all Ships and Veſſels may come to for Entring and Clearing; to which End the Collector of that Diſtrict, or his lawful Deputies, ſhall conſtantly reſide at the ſaid Towns and Ports; and alſo the Naval Officer or Officers, or their Deputies, ſhall conſtantly reſide there, for giving Diſpatch to all Ships or Veſſels coming or trading into thoſe Ports.

AND that the ſame Ports and Towns may be capable of being built upon, and inhabited by Perſons deſiring to dwell and inhabit in them; Be it Enacted by the Authority aforeſaid, That from and after the Proclaiming of this Act, all and every the Perſons named herein for Commiſſioners, ſhall be Commiſſioners of and for the ſaid Two Towns, and each of them; and they, and every of them, ſhall and may execute the Powers and Authorities hereby given them, according to the Directions hereafter given and preſcribed, as well for the buying and purchaſing the aforeſaid Town Lands of the now Owners and Poſſeſſors of the ſame, as for the ſurveying and laying out the ſame, and ſtaking out the ſeveral Lots to be laid out in them, to the End the Length, Breadth, and Extent of each Lot, in each Town and Port, may be known and diſtinguiſhed; (that is to ſay) For the ſaid Town and Port of *Ann Arundell* in *Annarundell* County aforeſaid, Major *John Hammond*, Major *Edward Dorſey*, Mr. *John Bennett*, Mr. *John Dorſey*, Mr. *Henry Conſtable*, Mr. *Andrew Norwood*, Mr. *Philip Howard*, Mr. *James Saunders*, and the Honourable *Nicholas Greenberry* Eſq; and for the Town and Port in *Talbot* County in *Oxford* aforeſaid, Mr. *Edward Mann*, Mr. *John Edmondſon*, Mr. *Clement Saile*, Mr. *John Neals*, Mr. *John Hawkins*, Mr. *Thomas Robins*, and Mr. *Thomas Robins* junior, the Honourable *George Roebotham*, Mr. *Thomas Smithſon*, and Mr. *Robert Smith*.

AND be it Enacted, That the Commiſſioners herein nominated for each reſpective Town in each County aforeſaid, or the major Part of them, are hereby impowered, ſome time before the Five and twentieth Day of *February*, *Anno Domini*, One thouſand ſix hundred ninety and four, to meet together upon the reſpective Lands and Places for Towns before mentioned, then and there to treat with, and agree with the Owners and all Perſons intereſted in the ſaid Lands, and buy and purchaſe of ſuch Owners and others intereſted in the ſaid Lands, One hundred Acres of the ſaid Lands, at the Diſcretion of the Perſons aforeſaid, leaſt prejudicial to the Owners: And they that purchaſe, ſhall cauſe

cauſe the ſame to be ſurveyed; and after Survey ſo made, ſhall cauſe the Land to be marked, ſtaked, and divided into convenient Streets, Lanes, and Allies, with other publick Places to be left, on which may be a Church, Chapel, Market-Houſe, or other publick Building; and the remaining Part of the ſaid One hundred Acres to be divided into One hundred equal Lots, marked on ſome Poſts or Stakes towards the Streets, or Lanes, with Numbers 1, 2, 3, 4. and ſo to an Hundred; out of which Lots the Owner of ſuch Lands ſhall have the firſt Choice for One Lot, during the Space of One Year, after the ſaid Twenty fifth Day of *February*; Except his Excellency *Francis Nicholſon* Eſq; Governor of this Province, who ſhall have the next immediate Choice of One, Two, or Three Lots in each or either of the ſaid Towns, if his Excellency ſo pleaſe; after which the Lots ſhall be taken up by the Inhabitants of the Counties only, during Six Months after laying out the ſame: And if the Inhabitants ſhall not take up the ſame Lots in the time aforeſaid, it ſhall be then free for any Perſon or Perſons whatſoever, to take up the ſaid Lot or Lots, paying the Owner proportionably for the ſame.

And in caſe any Perſon or Perſons ſhall wilfully refuſe to make Sale of any ſuch Lands therein before mentioned; or any Perſon or Perſons, through Nonage, Coverture, or *Non ſanæ memoriæ*, or other Impediment or Diſability whatſoever, that then the Commiſſioners aforeſaid, nominated for each reſpective Town, are hereby authorized, by Virtue of this Act, to iſſue out Warrants to the Sheriffs of the ſaid Counties, to impower them to impanel and return a Jury of Freeholders to appear before the ſaid Commiſſioners, which Jury, upon their Oaths to be adminiſtred by the ſaid Commiſſioners, are to enquire and aſſeſs ſuch Damages and Recompenſe, as they ſhall think fit to be awarded to the Owners and all Perſons intereſted, according to their ſeveral and reſpective Intereſts in the ſaid Land, or any Part thereof; and what Sum of Tobacco the ſaid Jury ſhall adjudge the ſaid Land to be worth, ſhall be paid to the ſaid Owners, and Perſons intereſted, by ſuch Perſon or Perſons as ſhall take up the ſaid reſpective Lot or Lots, proportionably thereunto. And the ſaid Commiſſioners, or the major part of them, are hereby impowered, by reſpective Warrants under their Hands and Seals, to ſummon the Surveyor General, or the Surveyor of the County, to ſurvey and lay out the ſaid One hundred Acres in the Places before mentioned, in Manner and Form aforeſaid, to be marked and ſtaked out, as aforeſaid; and when the ſame is ſo ſurveyed, laid out, and valued, as aforeſaid, that then whoſoever ſhall make Choice of any ſuch Lot, as aforeſaid, and make Entry thereof before and with the Officer or Perſon, as by the Commiſſioners ſhall be appointed to keep the Book for Entry of the ſame, and pay ſuch Sum or Quantity of Tobacco, as ſhall by the Diſcretion of the Commiſſioners be rated upon ſuch Lot, and payable to the Owner of the ſaid Land; and on ſuch Lot ſhall build One Twenty Foot Square Dwelling-houſe at leaſt, within Twelve Months after taking up the ſame, unleſs ſuch Building be larger than herein expreſſed, ſhall, by Virtue thereof, and of the Building and Finiſhing, as aforeſaid, inveſt the Taker up, and Builder, as aforeſaid, with an Eſtate of Inheritance, in the ſaid Lot, to him, his Heirs and Aſſigns, for ever, and be a perpetual Bar to the Owners, and Perſons intereſted in the ſaid Land, either within or without this Province, even againſt his Lordſhip, the Right Honourable *Charles* Lord Baron of *Baltemore*, Lord Proprietary of this Province, his Heirs and Succeſſors: Yielding and paying to the ſaid Lord Proprietary, his Heirs and Succeſſors, for ever, the Annual Rent of One Peny, current Money, for each reſpective Lot, as aforeſaid: And that the Surveyor of each Town and Port, as aforeſaid, ſhall have and receive ſuch Fees and Rewards for laying out and ſtaking the Towns and Lots, as aforeſaid, as the ſaid Commiſſioners ſhall allow and ſettle, and no more. And any Perſon or Perſons that ſhall build and inhabit in ſuch Port or Town, and ſhall owe any Sum or Sums of Tobacco, and will pay the ſame in ſuch Town, he ſhall be allow-

ed

ed Ten *per Cent.* for every Hogſhead of Four hundred Weight, and upwards, ſo paid in Towns, to be deducted out of the Debt aforeſaid, or pleadable in Bar of the Creditor.

And be it further Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That any Perſon or Perſons, that have heretofore taken up any Lot or Lots in either of the Towns, by Virtue of any former Law of this Province, and built thereon, according to the ſame former Law, they, and every of them, their Heirs and Aſſigns, ſhall have and enjoy a good and ſure Eſtate of Inheritance, to them and their Heirs for ever, under the Rents and Services herein mentioned; and the ſeveral Lots ſo built on, ſhall be deemed and taken as Part of the One hundred Lots, as aforeſaid; and the ſame Town laid out as conveniently thereto as may be.

And be it Enacted by the Authority aforeſaid, That the Town and Port of *Severne* in *Annarundell* County, ſhall be bought or valued by the Jury, as before in this Act is mentioned; All that Parcel or Neck of Land within *Levy-neck Cove*, and *Acton's Cove*, lying and adjoyning, or near to the Town Land, as aforeſaid, or ſo much thereof, as by the Commiſſioners ſhall be found convenient, to be fenced in, and called *The Town Common or Paſture*, and paid for and fenced in at the publick Charge, and ſhall be for the publick Uſe and Service when Need ſhall require: And that the Inhabitants of the ſaid Towns ſhall not raiſe any Stock of Cattle, or Hogs, Horſes, or Sheep, more than what they can contain and raiſe upon their reſpective Lot or Lots, and not more, at the Diſcretion of the Commiſſioners of the ſaid Towns.

Paſs'd—— *Revis'd* May 21*ſt*, 1715.

An Act for the Marking of Highways, and making the Heads of Rivers, Creeks, Branches, and Swamps, Paſſable for Horſe and Foot. N° 7.

WHEREAS it is thought convenient, and very much for the Benefit of the Inhabitants of this Province, That Roads and Paths be Marked, and the Heads of Rivers, Creeks, and Branches, be made Paſſable; Be it therefore Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of Her Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That all Publick and Main Roads be hereafter cleared and well grubb'd, fit for Travelling, Twenty Foot wide; and good and ſubſtantial Bridges made over all Heads of Rivers, Creeks, Branches, and Swamps, where Need ſhall require, at the Diſcretion of the Juſtices of the County Courts.

And for the better Aſcertaining what is or ſhall be deemed Publick Roads, Be it likewiſe Enacted by the Authority aforeſaid, That the Juſtices of the County Courts ſhall ſet down and aſcertain in their Records, once every Year, what are the Publick Roads of their reſpective Counties, and appoint Overſeers of the ſame; and that no Perſon whatſoever ſhall alter or change any ſuch Publick Roads without the Leave or Licence of the Governor and Council, or the Juſtices of the County Courts, upon the Penalty of Five hundred Pounds of Tobacco. And if any Overſeer ſo appointed, ſhould neglect to clear the Roads, ſo as aforeſaid, he ſhall be fined Five hundred Pounds of Tobacco in Cask: And every Labourer, that ſhall refuſe to ſerve and obey the Overſeer, and

every Maſter of Servants, that being ſummoned or warned, ſhall refuſe to ſend all his taxable Male Servants to the Overſeer aforeſaid, he or they ſhall be fined (that is to ſay) every Labourer One hundred Pounds of Tobacco, and the ſaid Maſter, for every Servant warn'd, and not ſent, One hundred Pounds of Tobacco: And the Clerk of the County is hereby obliged to iſſue out Warrants to the Overſeers appointed, upon Penalty of One thouſand Pounds of Tobacco; and the Sheriffs of each reſpective County are to deliver the ſame to the ſeveral and reſpective Overſeers, as aforeſaid, *ex Officio*, on Penalty of One thouſand Pounds of Tobacco in Caſk; the one Half of all which Fines ſhall be employ'd and diſpoſed of towards the Defraying the County Charge, in ſuch manner as the Commiſſioners of each reſpective County ſhall, in their Diſcretion, think convenient; the other Half to him or them that ſhall inform or ſue for the ſame, to be recovered in Her Majeſty's Name, for the Uſe aforeſaid, by Bill, Plaint, or Information, in any Court of Record within this Province, wherein no Eſſoign, Protection, or Wager of Law to be allowed: And that all the Roads that lead to any Ferries, Court-houſe of any County, or to any Church, or leading through any County to the Port of *Annapolis*, ſhall be marked on both Sides the Road with Two Notches, if the Road leads to *Annapolis*; the Road that leads there, at the leaving the other Road, ſhall be marked on the Face of the Tree, in a ſmooth Place cut for that Purpoſe, with the Letters *A A*, ſet on with a Pair of Marking Irons, and colour'd, and ſo with Two Notches all along the Road; and where at any Place it leaves any other Road, it ſhall be diſtinguiſhed again with the Mark aforeſaid on the Face of the Tree with a Pair of Marking Irons, and coloured as aforeſaid: And any Road on the Eaſtern Shore in *Talbot* County, that leads to the Port of *William-Stadt*, at the Entring into the ſame, and upon parting with, or dividing from any other Road, ſhall be marked on the Face of a Tree, in a ſmooth Place cut for that Purpoſe, with the Letter *W*, and ſo with Two Notches all along the Road; and the Roads that lead to any County Court Houſe ſhall have Two Notches on the Trees on both Sides of the Road, as aforeſaid, and another Notch at a Diſtance above the other Two: And any Road that leads to a Church, ſhall be marked at the Entrance into the ſame, and at the leaving any other Road, with a Slip cut down the Face of the Tree near the Ground: And any Road leading to a Ferry, and dividing from the other Publick Roads, ſhall be marked with Three Notches of equal Diſtance, at the Entrance into the ſame. And theſe Rules and Methods the ſeveral Juſtices of the County Courts ſhall, from time to time, give in Charge to the Overſeers of the Highways, by them to be appointed for that Purpoſe; who are likewiſe enjoyned carefully and ſtrictly to obſerve and perform the ſame, under the Penalty aforeſaid.

AND when any Road ſhall lead through any Seated Plantation or Old Fields, Be it Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That the ſeveral and reſpective Overſeers, within their ſeveral and reſpective Precincts, do ſet up Poſts, ſo many as may be perceived from one to the other; which Poſts ſhall be marked and notched according to the Place they lead to, as before in this Act, for the Marking and Notching of Roads, have been appointed; and that the Poſts of all Gates, through which any ſuch Road ſhall lead, as aforeſaid, be marked and notched, as aforeſaid, under the Penalty aforeſaid; any thing in this Act to the contrary notwithſtanding. And that the ſaid Overſeers ſhall, from time to time, as often as Occaſion ſhall require, fell all dead Trees on each Side of all main Roads, where Limbs hang over, to prevent any Damage that may happen by their falling on Travellers.

Paſs'd September 26*th*, 1704. *Revis'd* May 16*th*, 1715.

An

An Act for Publication of Marriages. No. 8.

BE it Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of Her Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That all Perſons, who deſire Marriage, ſhall apply themſelves either to a Miniſter, Paſtor, or Magiſtrate, for the Contracting thereof.

AND be it further Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That all Perſons within this Province intending Marriage, ſhall make Publication thereof either at the Church, Chapel, County Court, or Meeting-houſe next where they dwell, and that at ſuch Time when ſuch Church, Chapel, or Meeting-houſe ſhall be full, and thereby capable to take Cognizance thereof: And that it ſhall and may be lawful, upon Certificate had from the Miniſter, Paſtor, or County Court, where ſuch Publication ſhall have been made, Three Weeks after the ſaid Publication, for either Miniſter, Paſtor, or Magiſtrate, (where no Miniſter can be had) to joyn in Marriage ſuch Perſons as aforeſaid: And if any Perſon ſhall preſume to contract Marriage without ſuch Publication made, and Certificate thereof had, as aforeſaid, or without particular Licence from the Governor for the time being, do privately, within the Limits of this Province, contract Marriage, every Perſon ſo contracted or married, ſhall be liable to a Fine of One thouſand Pounds of Tobacco: And every ſuch Miniſter, Paſtor, or Magiſtrate, joyning in Marriage any Perſons without ſuch Publication or Licence, or any ways infringing this Act, ſhall be liable to a Fine of Five thouſand Pounds of Tobacco; one Half of the ſaid Fines to our Sovereign Lady the Queen, Her Heirs and Succeſſors, for the Support of the Government of this Province, and the other Half to the Informer, to be recovered by Bill, Plaint, Action of Debt, or Information, in any Court of Record, wherein no Eſſoign, Protection, or Wager of Law, to be allowed.

AND be it further Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That all Miniſters, Paſtors, and Magiſtrates, who, according to the Law of this Province, do uſually joyn People in Marriage, ſhall joyn them in Manner and Form, as is ſet down and expreſſed in the Liturgy of the Church of *England*; which being finiſhed, the Miniſter, Paſtor, or Magiſtrate, ſhall ſay, *I being hereunto by Law authorized do pronounce you lawful Man and Wife.*

AND be it further Enacted by the Authority, Advice, and Conſent aforeſaid, That the Miniſter, Paſtor, or Magiſtrate, by Virtue of this Act, is impowered to ask, demand, and receive, from the Parties ſo married or joyned together, the Sum of One hundred Pounds of Tobacco, and no more.

Paſs'd October *3d*, 1704. *Revis'd* May *30th*, 1715.

N° 9. *An Act to prevent the Growth of Popery within this Province.*

BE it Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of Her Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That whatſoever Popiſh Biſhop, Prieſt, or Jeſuit, ſhall baptize any Child or Children, other than ſuch who have Popiſh Parents, or ſhall ſay Maſs, or exerciſe the Function of a Popiſh Biſhop or Prieſt within this Province, or ſhall endeavour to perſuade any of Her Majeſty's Liege People of this Province, to embrace and be reconciled to the Church of *Rome*, and ſhall be thereof legally convict, ſhall forfeit the Sum of Fifty Pounds *Sterling* for every ſuch Offence, the one Half thereof to our Sovereign Lady the Queen, Her Heirs and Succeſſors, for the Support of the Government of this Province, and the other Half to him or them that will ſue for the ſame, to be recovered in any Court of Record in this Province, by Bill, Plaint, or Information, wherein no Eſſoign, Protection, or Wager of Law, to be allowed: And ſhall alſo ſuffer Six Months Impriſonment of his or their Body or Bodies, without Bail or Mainprize.

AND be it further Enacted by and with the Advice, Conſent, and Authority aforeſaid, That if any Popiſh Biſhop, Prieſt, or Jeſuit, after ſuch Conviction aforeſaid, ſhall ſay Maſs, or exerciſe any other Part of the Office or Function of a Popiſh Biſhop or Prieſt, within this Province; or if any Papiſt, or Perſon making Profeſſion of the Popiſh Religion, ſhall keep School, or take upon themſelves the Education, Government, or Boarding of Youth in any Place within this Province, ſuch Perſon or Perſons being thereof lawfully convicted, that then every ſuch Perſon ſhall, upon ſuch Conviction, be tranſported out of this Province to the Kingdom of *England*, together with his Conviction, in order to his ſuffering ſuch Pains and Penalties, as are provided by the Statute made in the Eleventh and Twelfth Years of the Reign of His late Majeſty King *William* the Third, Intituled, *An Act for the further Preventing the Growth of Popery.*

AND to the End that the Proteſtant Children of Popiſh Parents may not in the Life-time of ſuch their Parents, for want of fitting Maintenance, be neceſſitated, in Compliance with their Parents, to embrace the Popiſh Religion, contrary to their own Inclinations; Be it Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That from and after the End of this Seſſion of Aſſembly, if any ſuch Parent, in order to the compelling ſuch his or her Proteſtant Child to change his or her Religion, ſhall refuſe to allow ſuch Child a fitting Maintenance, ſuitable to the Degree and Ability of ſuch Parent, and to the Age and Education of ſuch Child, then upon Complaint thereof made to the Governor of this Province, or the Keeper of the Great Seal, it ſhall be lawful for the ſaid Governor, or Keeper of the Seal, to make ſuch Order therein, as ſhall be agreeable to the Intent of this Act.

Paſs'd October 3*d*, 1704. *Revis'd* May 24*th*, 1714.

An

An Act declaring ſeveral Acts of Aſſembly formerly made, to be in Force. N° 10.

BE it Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of Her Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That the ſeveral and reſpective Acts of Aſſembly heretofore made and enacted, (that is to ſay) One Act Intituled, *An Act for Erecting* Ann Arundell *and* Oxford *Towns into Ports and Towns*; One other Act of Aſſembly, Intituled, *An Act for Puniſhment of Perſons ſuborning Witneſſes, or committing wilful and corrupt Perjury*; One other Act, Intituled, *An Act for Sanctifying and keeping Holy the Lord's Day, commonly called* Sunday; One other Act, Intituled, *An Act concerning* Indians; One other Act, Intituled, *An Act for the preſent Security of the Frontier Plantations from the Incurſions and Violence of* Indians; One other Act, Intituled, *An Act prohibiting Trade with the* Indians *for any Fleſh, dead or alive, except Deer and Wild Fowl*; One other Act, Intituled, *An Act for quieting Differences that may ariſe between Her Majeſty's Subjects within this Province, and the ſeveral Nations of* Indians, *of what Places ſoever*; and every Clauſe, Matter and Thing therein contained, is hereby declared to be and remain in full Force and Effect, to all Intents, Conſtructions, and Purpoſes whatſoever, to the End of the next Seſſions of Aſſembly, this preſent Seſſions not having Leiſure fully to conſider thereof.

Paſs'd October 3*d*, 1704. *Revis'd* May 30*th*, 1715.

An Act confirming Purchaſes made by the Commiſſioners of the reſpective Counties, by Virtue of a former Act of Aſſembly, Intituled, An Act impowering the Commiſſioners of each reſpective County to purchaſe Lands for the Uſe of their reſpective Courts, *which is now executed.* N° 11.

WHEREAS at a General Aſſembly held at the Port of *Annapolis* the Twenty ſixth Day of *May*, One thouſand ſix hundred ninety ſeven, a certain Act of Aſſembly was made, Intituled, *An Act impowering the Commiſſioners of each reſpective County to purchaſe Lands for the Uſe of their reſpective Courts*, which is now executed; Be it Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of Her Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That what Purchaſes of Lands the Commiſſioners had made, according to the ſaid Acts, for the Uſe of the reſpective Counties, and recorded within the ſeveral and reſpective County Courts whereunto they properly belong, ſhall be a perpetual Bar againſt him or them, from whom the Land was purchaſed, and againſt all Perſons claiming by, from, or under him, her, them, or any of them, for ever.

AND be it further Enacted by the Authority aforeſaid, That the Lot whereon the Court-houſe of *Dorcheſter* now ſtands, and the Tenement thereon, remain to the Uſe of that County for ever, as by the laſt Paragraph of the ſaid Act is more at large expreſſed.

Paſs'd October 3*d*, 1704. *Revis'd* May 28*th*, 1715.

№ 12. *An Act confirming to the Governor of this Province the Duty of Three Pence* per *Tun upon the Burthen of Ships and Veſſels.*

WHEREAS the Governors of this Province have heretofore had and enjoyed a Duty of Three Pence *per* Tun of the Burthen of all Ships and Veſſels trading into this Province, Be it therefore Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of Her Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That the ſeveral and reſpective Maſters of all Ships or Veſſels trading and coming into this Province, of what Burthen ſoever, ſhall, at the time of Entring ſuch Ships and Veſſels, as aforeſaid, pay unto the Governor of this Province for the time being, Three Pence *per* Tun, for every Tun of Burthen the ſaid Ship or Veſſel ſhall be of, or give good Caution to the Naval Officer, with whom he or they ſhall enter, for Payment thereof; all ſuch Ships or Veſſels as are, *bona fide*, built in, or belonging to the People of this Province excepted.

Paſs'd October 3*d*, 1704. *Revis'd* May 24*th*, 1715.

№ 13. *An Act Repealing all former Acts of Aſſembly heretofore made, ſaving what are hereby excepted.*

BE it Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of Her Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That all and every Act and Acts of Aſſembly of this Province, made or enacted at any time before the Seſſion of Aſſembly begun and held at the Port of *Annapolis* the Twenty ſixth Day of *April*, One thouſand ſeven hundred and four, (except the Act, Intituled, *An Act for the Eſtabliſhment of Religious Worſhip within this Province, according to the Church of* England; *and for the Maintenance of Miniſters*; and except the Act for keeping good Rules and Orders in the Port of *Annapolis*, and which are not revived, ſaved, and enacted this preſent Seſſions of Aſſembly) be, and are hereby repealed and made void: Saving always to all and every Perſon or Perſons whatſoever, what was and is his or their Rights and Benefits, which he or they had by the former Acts of Aſſembly; Any thing in this preſent Act contained to the contrary notwithſtanding.

Paſs'd October 3*d*, 1704. *Revis'd* May 21*ſt*, 1715.

An

An Act declaring how Fees for Naturalization, and other private Laws, ſhall be proportioned. No. 14.

WHEREAS divers Complaints have been made, that ſeveral Perſons have exacted and taken immoderate Fees of Perſons for private Bills: For Prevention whereof for the future, Be it Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of Her Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That the Fees to be taken by the ſeveral Clerks and Officers belonging to the Aſſembly, for Naturalization, and other private Laws, be ſuch as ſhall be allowed and adjudged by the reſpective Aſſemblies, when and where ſuch Perſons ſhall be naturalized, and ſuch Bill paſt; and that no Perſon whatſoever preſume to demand or exact any more Fees of any ſuch Perſons naturalized, or for whom ſuch private Act ſhall paſs, than what are ſo allowed and to be allowed, under the Penalty of Two thouſand Pounds of Tobacco to every ſuch Perſon exacting or extorting more than what is or ſhall be allowed by ſuch Aſſembly, aſſeſſing the Fees, as aforeſaid; the ſaid Forfeitures to be recovered in any Court of Record of this Province, by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoign, Protection, or Wager of Law, to be allowed; the one Half to Her Majeſty, for the Support of the Government of this Province; the other Half to the Party grieved.

Paſs'd October 3*d*, 1704. *Revis'd* May 21*ſt*, 1715.

An Act againſt Exceſſive Uſury. No. 15.

BE it Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of Her Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That no Perſon or Perſons whatſoever, within this Province, whether Inhabitant or Foreigner, upon any Contract from and after the End of this preſent Seſſions of Aſſembly, ſhall exact or take, directly or indirectly, for Loan of any Monies, Wares, or Merchandizes, or other Commodities whatſoever, to be paid in Money, above the Value of Six Pounds for the Forbearance of One hundred Pounds for One Year, and ſo after that Rate for a greater or leſſer Sum, or for a longer or ſhorter Time: Nor ſhall any Perſon or Perſons whatſoever within this Province, as aforeſaid, from and after the Time aforeſaid, exact and take, directly or indirectly, for Loan of any Tobacco, Wares, Merchandizes, or other Commodities, for One Year, to be paid in Tobacco, or other Commodities, of this Province, above the Value of Eight Pounds of Tobacco for the Forbearance of One hundred Pounds of Tobacco, and after that Rate for a greater or leſſer Sum, or for a longer or ſhorter Time. And that all Bonds, Contracts, and Aſſurances whatſoever, made after the Time aforeſaid, for Payment of any Principal Money, or Tobacco, Goods or Commodities aforeſaid, to be lent or covenanted to be performed upon or for any Uſury, whereupon or whereby there ſhall be reſerved above the Rate of Six Pounds in the Hundred for Money, as aforeſaid, or above Eight Pounds in the Hundred for Tobacco, or other Goods or Commodities, as aforeſaid, ſhall be utterly void; and that all and every Perſon and Perſons whatſoever, which after the Time aforeſaid, ſhall, upon any Contract

Contract to be made, take, exact, and receive, by Ways or Means of any corrupt Bargain, Loan, Exchange, Cheviſance, Shift, or Intereſt of any Wares, Merchandizes, or other Thing or Things whatſoever, or by any deceitful Ways or Means, or by any Covin, Inſtrument, or deceitful Conveyance, for the Forbearance, or giving Day of Payment, for One whole Year, of and for their Money, Tobacco, Goods and Commodities aforeſaid, above the Sum of Money, or Quantity of Tobacco aforeſaid, for the Forbearance aforeſaid, ſhall forfeit and loſe, for every ſuch Offence, the Treble Value of the Money, Tobacco, Wares, Merchandizes, or other Things, ſo lent, bargained, ſold, exchanged and ſhifted, as aforeſaid; the one Half of the ſaid Fine and Forfeiture to our Sovereign Lady the Queen, Her Heirs and Succeſſors, for the Support of this Government; the other Half for him or them that ſhall ſue for the ſame, to be recovered in any Court of Record of this Province, by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoign, Protection, or Wager of Law to be allowed.

Paſs'd October 3*d*, 1704. *Revis'd* May 30*th*, 1715.

№ 16. *An Act requiring the Maſters of Ships and Veſſels to publiſh the Rates of their Freight before they take any Tobacco on board.*

BE it Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of Her Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That every Maſter and Commander of a Ship, or other Veſſel, that purpoſes to export Tobacco on Freight, ſhall, before he take any ſuch Tobacco on board his ſaid Ship or Veſſel, publiſh in Writing, by a Note under his Hand, which he ſhall cauſe to be affixed on the Court-houſe Door of that County, where his ſaid Ship ſhall ride at Anchor, at what Rate he will receive Tobacco upon Freight *per* Tun, on board his ſaid Ship for that intended Voyage; which Note the Clerk of the County ſhall enter upon Record.

AND be it further Enacted by the Authority aforeſaid, That whatſoever Merchant, or other Inhabitant of this Province, ſhall put any Tobacco on board any Ship, Sloop, or Boat belonging to a Ship, on Freight, before ſuch Maſter of ſuch Ship hath ſet up ſuch Note, as aforeſaid, he ſhall forfeit and loſe all ſuch Tobacco ſo ſhipped on board ſuch Ship, Sloop, or Boat, or the full Value thereof in Money, whereof one Half to Her Majeſty, for the Support of the Government of this Province, the other Half to him or them that will ſue for the ſame, to be recovered in any Court of Record in this Province, by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoign, Protection, or Wager of Law to be allowed.

AND be it further Enacted by the Authority aforeſaid, That if any Maſter or Commander of a Ship, or other Veſſel, as aforeſaid, ſhall take any ſuch Tobacco on board his Ship or Veſſel, before he hath publiſhed ſuch Note, as aforeſaid, he ſhall forfeit, for every ſuch Hogſhead, the Sum of Twenty Shillings, to the Uſes aforeſaid, to be recovered as aforeſaid.

AND be it further Enacted by the Authority aforeſaid, That every Maſter or Commander of Ship or Veſſel aforeſaid, that ſhall ſend any Sloop or other Craft to another Country, to fetch Tobacco to be put on board his Ship or Veſſel on Freight, ſhall ſend by the Skipper or Maſter of ſuch Sloop or other Craft, a Certificate from under the Hand of the Clerk of the County where ſuch Note of

Freight

Freight was publiſhed, as aforeſaid, certifying the Rate of his Freight and Publication thereof, as aforeſaid, under the Penalty of forfeiting Forty Shillings *Sterling* to the Uſes aforeſaid, to be recovered as aforeſaid. And the Collectors and Naval Officers ſhall, at the Charge of the County, where ſuch Collectors and Naval Officers inhabit, procure Copies of this Law, for each Copy whereof the County Clerk ſhall have Ten Pounds of Tobacco, and no more, and affix the ſame in their Office or Offices, on or before the Tenth Day of *December* next enſuing, under the Penalty of Forty Shillings *Sterling*, to be for ſuch Neglect forfeited and paid to the Uſes aforeſaid, to be recovered as aforeſaid.

Paſs'd October 3*d*, 1704. *Revis'd* May 28*th*, 1715.

An Act for aſcertaining the Bounds of a certain Tract of Land to the Uſe of the Nanticoke Indians, *ſo long as they ſhall occupy and live upon the ſame.* N° 17.

IT being moſt juſt that the *Indians*, the antient Inhabitants of this Province, ſhould have a convenient Dwelling Place in this their Native Country, free from the Incroachments and Oppreſſions of the *Engliſh*, more eſpecially the *Nanticoke Indians* in *Dorcheſter* County, who for theſe many Years have lived in Peace and Concord with the *Engliſh*, and in all Matters in Obedience to the Government of this Province: We the Burgeſſes and Delegates of this preſent General Aſſembly therefore do pray that it may be Enacted; and be it Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of Her Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That all the Land, lying and being in *Dorcheſter* County, and on the North-ſide of *Nanticoke* River, butted and bounded as followeth; beginning at the Mouth of *Chichavan* Creek, and running up the ſaid Creek bounded therewith, to the Head of the Main Branch of the ſame, and from the Head of the ſaid Main Branch, with a Line drawn to the Head of a Branch iſſuing out of the North-Weſt Fork of *Nanticoke*, known by the Name of *Francis Anderton*'s Branch; and from the Head of the ſaid Branch down the ſaid *Anderton*'s Branch, bounded therewith to the Mouth of the ſame, where it falls into the ſaid North-Weſt Fork, and from thence down the aforeſaid North-Weſt Fork bounded therewith, to the Main River, and ſo down the Main River to the Mouth of the aforeſaid *Chichavan* Creek, ſhall be confirmed and aſſured, and by Virtue of this Act is confirmed and aſſured, unto *Panquaſh* and *Annotoughquan*, and the People under their Government or Charge, and their Heirs and Succeſſors, for ever; Any Law, Uſage, Cuſtom, or Grant to the contrary in any wiſe notwithſtanding, to be held of the Lord Proprietary and his Heirs, Lord Proprietary, or Lords Proprietaries of this Province, under the Yearly Rent of One Beaver Skin to be paid to his ſaid Lordſhip, and his Heirs, as other Rents within this Province by the *Engliſh* uſed to be paid.

PROVIDED always, That it ſhall and may be lawful for any Perſon or Perſons, that hath formerly taken up and obtained any Grants from the Lord *Baltemore*, for any Tracts or Parcels of Land within the aforeſaid Boundaries, upon the *Indians* deſerting or leaving the ſaid Land, to enter, occupy, and enjoy the ſame; Any thing in this Law to the contrary notwithſtanding.

And be it further Enacted by the Authority aforeſaid, That it ſhall not, nor may be lawful for the Lord *Baltemore* to ask, have, or demand, any Rent or Service for any of the ſaid Tracts or Dividends, as may or have been taken up, as aforeſaid, within the ſaid *Indians* Boundaries, until ſuch Time that the Takers up, or Owners aforeſaid, do enjoy or poſſeſs the ſame; Any Law, Uſage, or Cuſtom to the contrary notwithſtanding.

Paſs'd October 3*d*, 1704. *Revis'd* May 21*ſt*, 1715.

No 18. *An Act for ſecuring the Parochial Libraries of this Province.*

BE it Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of Her Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That the Libraries appointed for the ſeveral and reſpective Pariſhes within this Province, ſhall be and remain in the Hands and Poſſeſſion of the Miniſter of the Pariſh, if there be any Miniſter actually inducted into, and Incumbent in the ſaid Pariſh, during his Reſidence in the ſaid Pariſh, who is by this Act obliged to keep and preſerve the ſaid Library from Waſte and Imbezilment, and to be accountable for the ſame to the Governor, Council, and Aſſembly, as often as required: And to that Purpoſe the ſaid Miniſter ſhall paſs Two Receipts for the ſaid Books, inſerting what they are, and the Title Page of the ſame; One Receipt to be by the Veſtry of the ſaid Pariſh tranſmitted to the Governor and Council; and the other to remain with the Veſtry of the ſaid Pariſh, to be entred in their Regiſter Book. And the ſaid Veſtries are hereby obliged to viſit the ſaid Libraries Twice in the Year, and inſpect the ſame: And in caſe the ſaid Veſtries (or at leaſt Four of them of eldeſt Standing) ſhall not viſit the ſaid Libraries Twice in the Year, as by this Act is required, the whole Number of Veſtrymen ſhall forfeit and pay the Sum of Fourteen hundred Pounds of Tobacco; One Moiety to Her Majeſty, Her Heirs and Succeſſors, for the Support of Government, the other Moiety to the Informer, or him or them that ſhall ſue for the ſame in any Court of Record in this Province, by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoign, Protection, or Wager of Law to be allowed; and the *Onus probandi* ſhall lie on the part of the Veſtry to make it appear that they viſited the Libraries, as by this Act they are obliged. And if it ſo happen that the Veſtry find any Damage, or Imbezilment thereof, they ſhall require and cauſe Satisfaction for the ſame to be made, by Action of Debt to be brought againſt the ſaid Miniſter, his Executors or Adminiſtrators, for the full Value of ſuch Books as are or ſhall be wanting, to be commenced and brought by the Veſtrymen of ſuch reſpective Pariſh where ſuch Damage and Imbezilment ſhall happen, who by this Act are impowered to bring their Special Action without their principal Veſtrymen. And in caſe any Miniſter, having the Charge of ſuch Library, ſhall be removed from his Charge, he ſhall deliver the ſaid Library to the Veſtry of the ſaid Pariſh, and make Satisfaction or Reparation, if any Damage or Waſte ſuffered, before his Departure out of the ſaid Pariſh (except by Fire, or ſuch unavoidable Accident;) or in caſe of the Death of any ſuch Miniſter, having the Charge of ſuch Library, the Veſtry of ſuch Pariſh ſhall immediately take the ſaid Library into their Cuſtody and Keeping, and paſs their Receipt for the ſame, as above directed, and ſhall in all Points be anſwerable for the ſame (except by Fire, or ſuch like Accident, as aforeſaid.) And for the better preſerving and ſecuring the ſaid Libraries, it ſhall and may be lawful for his Excellency the Governor of this Province

vince for the time being, to appoint One or more Viſitors of the ſaid Libraries within this Province, to report the true Eſtate of them to his Excellency the Governor and Council, that they may make Orders to cauſe every One concerned about the ſaid Libraries, to do their Duties to the effectual Preſerving of them.

Paſs'd October 3*d*, 1704. *Revis'd* May 21*ſt*, 1715.

An Act againſt Ingroſſers and Regrators. No. 19.

FORASMUCH as the Offences of Foreſtalling, Ingroſſing, and Regrating, are found miſchievous and prejudicial to the Inhabitants of this Province, Be it Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of Her Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That whatſoever Perſon or Perſons, that from and after the Publication hereof, ſhall ingroſs or get into his, her, or their Hands or Poſſeſſion by Buying, Contracting, or Promiſe, taking within this Province any Goods or Merchandizes whatſoever, or Servants, to the Intent to ſell the ſame again within the Space of Six Months; and the ſame or any part thereof ſhall, within that Time, ſell again for ready Tobacco, or for Tobacco to be paid at the Shipping happening at the Time of ſuch Firſt Sale, or for Tobacco to be ſhipped for Payment, or ſecuring the Payment of any Bill or Bills of Exchange, or for ready Money, or Bills of Exchange to be drawn for Payment of the ſaid Goods, Merchandizes, or Servants, with Intent to avoid the Penalty by this Act hereafter provided and impoſed, or the ſaid Goods, Merchandizes, or Servants, ſhall tranſport out of this Province, ſhall be accepted, reputed and taken for an unlawful Ingroſſer and Regrator, and ſhall ſuffer ſuch Pains, Penalties, and Forfeitures, as are hereafter expreſſed; Any Law, Statute, Uſage, or Cuſtom to the contrary thereof in any wiſe notwithſtanding.

AND be it Enacted by the Authority aforeſaid, That if any Perſon or Perſons, from and after the Publication hereof, offend in any of the Things before recited, and being thereof duly convicted by Confeſſion of the Party, or the Oaths of Two Witneſſes, before the Juſtices of the Provincial Court, or the Juſtices of the County Courts, for the time being, where the Offences were committed, ſhall, for his, her, or their Firſt Offence, have or ſuffer Impriſonment for the Space of Two Months, without Bail or Mainprize; and ſhall alſo loſe and forfeit the Value of the Goods, Merchandizes, or Servants, ſo by him or them bought or had: And if any Perſon or Perſons lawfully convicted, as aforeſaid, of or for the Second Offence, every ſuch Perſon or Perſons ſo offending, ſhall have and ſuffer for his or their Second Offence, Impriſonment for the Space of One Half Year without Bail or Mainprize, and ſhall loſe Double the Value of all the Goods, Merchandizes, or Servants, ſo by him or them bought or had, as aforeſaid.

AND be it further Enacted by the Authority aforeſaid, That if any Perſon or Perſons being lawfully convicted, as aforeſaid, of or for the Second Offence, and ſhall again offend the Third time, and be thereof lawfully convicted; That then every Perſon for the Third Offence ſhall be ſet in the Pillory in the City, Town, or in the full County, where he ſhall then inhabit and dwell; and loſe and forfeit all the Goods and Chattels he or they have to their own Uſe; and alſo to be committed to Priſon, there to remain during the Term

Term of One whole Year; the one Moiety of all ſuch Forfeitures to be to our Sovereign Lady the Queen, Her Heirs and Succeſſors, for the Support of the Government of this Province, and the other Moiety thereof to the Informer, or him or them that ſhall ſue for the ſame, by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this Province, wherein no Eſſoign, Protection, or Wager of Law to be allowed.

PROVIDED, That this Act, nor any thing therein contained, ſhall not debar, or be conſtrued to debar or hinder any Perſon or Perſons whatſoever within this Province, by or out of any Goods or Merchandizes by him or them ſo bought or purchaſed, as aforeſaid, to ſatisfie and pay unto any Workman or Servant the Hire or Wages of him or them, due for any Work or Service whatſoever.

Paſs'd October 3*d*, 1704. *Revis'd* May 21*ſt*, 1715.

Nº 20. *An Act for Settlement of an Annual Revenue upon Her Majeſty's Governor within this Province for the time being.*

WHEREAS by an Act of Aſſembly formerly made, Intituled, *An Act for Providing a Support for the Lord Proprietary of this Province; and likewiſe a Supply for Defraying the publick Charge of the Government*; It was by the ſaid Act publiſhed and declared, That from and after the Firſt Day of *September* then next enſuing, there ſhould be raiſed, levied, collected, and paid to the ſaid Lord Proprietary the Sum of Two Shillings *Sterling*, for every Hogſhead, or Quantity of a Hogſhead of Tobacco, which ſhould be at any time thereafter ſhipped in any Ship or Veſſel to be exported out of this Province, on Condition that his ſaid Lordſhip ſhould receive his Rents, and Fines for Alienation of Lands, in good, ſound, merchantable Tobacco, when tendred, at the Rate of Two Pence *per* Pound for one Moiety of the ſaid Impoſition: The other Moiety, by the ſaid Act raiſed, to be employed towards maintaining a conſtant Magazine, and defraying other publick and neceſſary Charges of the Government.

AND whereas former Aſſemblies, upon ſtrict Inquiry made into the Premiſſes, did find his ſaid Lordſhip had not only been very deficient, and at ſmall Charges and Expences in maintaining a Magazine, as aforeſaid, but that this Province hath been obliged to defray all publick Charges ariſing for the Support of Government, by way of an equal Aſſeſſment upon the Inhabitants thereof (the ſeveral Proviſoes in the aforeſaid Act to the contrary notwithſtanding.) And whereas alſo his ſaid Lordſhip, the aforeſaid Moiety of Two Shillings *per* Hogſhead, under pretext of maintaining a Magazine, as aforeſaid (until the Time of Their late Majeſties King *William* and Queen *Mary* taking this Province under their immediate Protection) did convert to his own Uſe, to the Impoveriſhing of the Country, and Defraud of the Publick; and being incapacitated of Complying with what by the ſaid Act for the ſaid Moiety of Two Shillings *per* Hogſhead is required: Be it therefore Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of Her Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That the ſaid One Shilling *per* Hogſhead for the Defraying the Charges of Government aforeſaid, as well for ſuch Ships or Veſſels as have already cleared before the making of this Act, as for ſuch remaining in this Province, be raiſed, levied, collected, and paid unto our Sovereign Lady the Queen's moſt

Excellent

Excellent Majeſty, Her Heirs and Succeſſors, for the Support of Her Government, for the time being, in and over this Her Majeſty's Province aforeſaid, and the Territories to the ſame belonging, for every Hogſhead, and Quantity of an Hogſhead of Tobacco, which hath been for and during the Time aforeſaid, or which hereafter ſhall be at any Time ſhipped in any Ship or Veſſel to be exported out of this Province, or any the Territories, Iſlands, Ports, Rivers, Creeks, or Places thereunto belonging, as aforeſaid.

And be it further Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That the ſaid Duty and Impoſition ſhall be, from time to time, paid and ſatisfied by the Maſter or Maſters of every ſuch Ship or Veſſel reſpectively, in which any ſuch Tobacco ſhall be exported, upon his or their clearing or taking out his or their Diſpatch or Diſpatches for every ſuch reſpective Ship or Veſſel, and before the Departure of ſuch Ship or Veſſel coming into this Province; and ſhall, at their firſt Arrival here, and before their Loading on board any Goods or Commodities of the Growth, Production, or Manufacture of this Province, give good and ſufficient Security to his Excellency, or to the Officer thereunto eſpecially appointed, for the Payment of the ſaid Duty or Impoſition accordingly.

Provided always, and it is the true Intent and Meaning hereof, That this Act, nor any thing herein contained, ſhall be adjudged, conſtrued, reputed or taken (any thing herein expreſſed to the contrary notwithſtanding) to diſannul or make void his Lordſhip's Right to the other Moiety of the ſaid Two Shillings *per* Hogſhead, to be paid in Conſideration of his Rents and Alienation Money in Tobacco, at Two Pence *per* Pound, during the Term of his Natural Life; but that the ſame be kept, and hereby preſerved to his Lordſhip in as full and ample Manner, as by the ſaid Law is expreſſed or intended, or in the leaſt to diſcharge his Lordſhip of receiving the Rents aforeſaid, at Two Pence *per* Pound, as by the ſaid Act is enjoyned, during alſo the Term of his Natural Life; nor to diſcharge his Lordſhip from Accounting for the Arrears of the One Shilling *per* Hogſhead, for Supporting the Government, and providing Arms and Ammunition; but that he be obliged to all the aforeſaid Matters and Things as fully and ſtrongly, as if the ſaid Law were in full Force.

And be it further Enacted by the Authority aforeſaid, That every Maſter of a Ship or Veſſel, as aforeſaid, at the time of his Clearing, ſhall upon Oath declare the Quality and Quantity of his Loading; and that the Naval Officer, by the Governor aforeſaid appointed for the time being, ſhall and is hereby impowered to adminiſter the ſaid Oath; and in caſe the ſaid Maſter ſhall refuſe the ſaid Oath, or upon Suſpicion of having Goods on board, for which he hath not cleared, it ſhall be lawful for the ſaid Naval Officer to enter on board any ſuch Ship or Veſſel, and the ſame to ſearch for any ſuch Goods, as aforeſaid; Any thing in this Act before mentioned notwithſtanding.

Paſs'd October 3*d*, 1704. *Revis'd* May 21*ſt*, 1715.

№ 21. ***An Act declaring that the Grantees of Land lying within the*** Indians ***Land, may have an Action of Treſpaſs againſt ſuch Perſons as cut Timber off their Land on Pretence of having bought the ſame of the*** Indians.

BE it hereby Enacted and Declared by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of Her Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That the Falling, Malling, and Carrying away of Timber, or Purchaſing or Receiving any Timber, by any Perſon or Perſons upon Pretence of having bought the ſame of the *Indians*, or upon any unlawful Pretence whatſoever, on or from off any Lands within the Bounds of the *Indians* Land, whereof any other Perſon or Perſons have in him, her, or them, the Fee, be judged, deemed and accounted a Treſpaſs; and whoſoever ſhall purchaſe or receive, fall, mall, or carry away Timber, as aforeſaid, ſhall be deemed and adjudged Treſpaſſers, and ſhall be liable to Action or Actions of Treſpaſs; and the Perſons grieved ſhall and may recover their Damages accordingly, as if the Grantee or Patentee aforeſaid did actually occupy and enjoy ſuch Land, and had improved it; Any Law, Act of Aſſembly, or Uſe to the contary notwithſtanding.

Paſs'd October 3*d*, 1704. *Revis'd* May 21*ſt*, 1715.

№ 22. ***An Act for the Confirming Titles of Land given to the Uſe of the Churches and ſeveral Chapels within this Province, impowering the Commiſſioners of the reſpective Counties, and the Veſtries of the reſpective Pariſhes, to take up certain Parcels of Land for the Uſe of the ſame.***

WHEREAS ſeveral Pious and Well-diſpoſed Perſons have given and granted unto the reſpective Pariſhes, whereto they do belong, certain Parcels of Ground for the Uſe and Benefit of a Church and Church-Yard, which ſaid Land, through the Neglect of the Veſtries, who (by an Act of Aſſembly of this Province, made at a Seſſions of Aſſembly held at the Port of *Annapolis* the Twentieth Day of *July*, *Anno Domini* One thouſand ſix hundred ninety and ſix, Intituled, *An Act for the Service of Almighty God, and the Eſtabliſhment of the Proteſtant Religion*) were capacitated and impowered, by the Names of the Principal Veſtryman, and the reſt of his Brethren, Veſtrymen of ſuch Pariſh, to take and receive any Deed of Gift for the ſame, notwithſtanding the Charges of the reſpective Pariſhes in Building Churches or Chapels thereon is like to be loſt, or the Title thereunto very diſputable for want of ſuch Deed of Gift or Conveyance inrolled and recorded, as by an Act of Aſſembly is required, the firſt Donors or Granters thereof being dead, and the Heirs of ſuch Donors or Granters either refuſing to make over ſuch Land, as aforeſaid, or under Age not capable of ſo doing; Be it therefore Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of Her Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame,

ſame, That all ſuch Lands as have formerly been given to the Uſe of any Church or Chapel, and for which the Donors or Granters thereof in their Life-times have not made a Deed of Gift for the ſame, or otherwiſe refuſe ſo to do, and in Confidence of whoſe Promiſe the Pariſh have been at the Charge of Erecting and Building their Churches thereon, be and remain to the Uſe of the Pariſh for ever, againſt all Claims and Pretenſions of Claims made, or that hereafter ſhall be made by ſuch Donors or Granters, or his or their Heirs, Executors or Aſſigns, as firmly and abſolutely as if the ſame had been made over by Deed of Gift, Grant, or otherwiſe inrolled and recorded, as aforeſaid.

AND to the End it may be known what Lands have been ſo given to the Uſe of any Church or Chapel aforeſaid, and made over and confirmed by Deed of Gift, or Grant, as aforeſaid, the Grand Jury in each reſpective County within this Province, next after the Publication of this Act, ſhall have in Charge to enquire by what Titles ſuch Lands, whereupon the ſeveral Churches or Chapels aforeſaid, within their reſpective Pariſhes, and in their Precincts, are held, and to render an Account thereof to the Court, who are hereby impowered, where any ſuch Lands ſhall appear to be given, and not confirmed, as aforeſaid, in open Court to examine Witneſſes *in perpetuam rei Memoriam*, and the ſame cauſe to be recorded in the County Records, which ſhall be deemed, adjudged and taken, in all Courts of Record within this Province, as ſufficient Proof of the Donation or Grant, as alſo to the Quantity of Acres given or granted, as aforeſaid; and in caſe it ſhall appear upon ſuch Examination, that Lands have been given for the Uſe of any Church, Chapel, or Church-Yard, as aforeſaid, but the Quantity thereof not mentioned by the Donors or Granters thereof, as aforeſaid, that then and in every ſuch Caſe, the Veſtry of the reſpective Pariſh, where ſuch Gift or Grant hath been made, and the Quantity not aſcertained, as aforeſaid, may demand and take of ſuch Lands, for the Uſe of the Church and thereto adjacent, Two Acres, and no more, which they ſhall cauſe to be ſurveyed and ſtaked out, and make Returns of Two Certificates thereof; One of which muſt be recorded in the County Court, and the other in the High Court of Chancery, there to be regiſter'd, *in perpetuam rei Memoriam*, as aforeſaid.

AND be it further Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That where the Veſtry of any Pariſh within this Province have, or ſhall think convenient to place either Church or Chapel of Eaſe, within their reſpective Pariſhes, for the better Conveniency of their Pariſhioners, but the Owner or Owners of ſuch Land choſen out and appointed by ſuch Veſtry, as aforeſaid, for the Uſe of their Pariſh aforeſaid, either refuſe to make Sale thereof, or are unreaſonable in his or their Demands for the ſame, or otherwiſe incapacitated by Nonage, *Non ſanæ Memoriæ*, or beyond the Seas, That then and in every ſuch Caſe, the reſpective Veſtries of the reſpective Pariſhes ſhall apply themſelves to the Commiſſioners of the County Court whereto they belong, upon whoſe Application the ſaid Commiſſioners ſhall forthwith grant their Warrants to the Sheriff of their County, thereby requiring him, at a certain Day and Time to be by them nominated and appointed, to impanel a Jury of Subſtantial Freeholders next adjacent to the Land in queſt aforeſaid; which ſaid Commiſſioners and Jury aforeſaid ſhall proceed in all things, as by another Act of Aſſembly (Intituled, *An Act impowering the Commiſſioners of the ſeveral and reſpective Counties to take up and purchaſe Land for their County Court-Houſes*) they are directed, not exceeding Two Acres, as before in this Act mentioned and expreſſed; Any thing in this Act, or any other, ordained to the contrary notwithſtanding.

Paſs'd October 3*d*, 1704. *Revis'd* May 21*ſt*, 1715.

№ 23. *An Act to make valid, good and effectual in the Law, all manner of Proceſs and Proceedings in the ſeveral Courts of this Province, from the Year One thouſand ſix hundred and ninety, to the Year One thouſand ſix hundred ninety two; and alſo from the Death of* Lyonel Copley *Eſq; late Governor of this Province, to the Arrival of* Francis Nicholſon *Eſq; Governor thereof; and from the Demiſe of His late Majeſty King* William *the Third, to this preſent Time.*

BE it Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of Her Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That all Writs, Pleas, Proceſs, Indictments, Informations, Bills, Suits, Actions, Judgments, Decrees and Sentences awarded of or concerning any Matter or Thing whatſoever, which was ſued or proſecuted to Judgment in any of the Courts of Record, Chancery, Admiralty or Commiſſary's Courts within this Province, at any time or times ſince the Firſt Day of *April*, in the Year of our Lord, One thouſand ſix hundred and ninety, to the Tenth Day of *May*, One thouſand ſix hundred ninety two; and all Writs, Pleas, Proceſs, Bills, Suits, Actions, Indictments, Informations, Judgments, Decrees and Sentences awarded of or concerning any Matter or Thing whatſoever, which was ſued or proſecuted to Judgment, in any of the Courts of Record, Chancery, Commiſſary's and Admiralty Courts within this Province, at any Time or Times from the Death of his Excellency *Lyonel Copley* Eſq; late Governor of this Province, to the Arrival of his Excellency *Francis Nicholſon* Eſq; Governor thereof, ſhall be good and effectual in the Law, to all Intents, Conſtructions and Purpoſes whatſoever, any Diſcontinuance of Proceſs, or other Defects in the ſaid Proceedings notwithſtanding.

AND be it further Enacted by the Authority, Advice and Conſent aforeſaid, That all Writs, Pleas, Proceſs, Actions, Bills, Suits, Indictments, Informations, Judgments, Decrees and Sentences given or awarded of and concerning any Matter or Thing whatſoever, which was ſued or proſecuted to Judgment in any of the Courts of Record, Chancery, Commiſſary and Admiralty Courts within this Province, at any Time or Times, from the Demiſe of His late Majeſty King *William* the Third, of Bleſſed Memory, to the End of this Seſſions of Aſſembly, notwithſtanding the Want of any Juriſdiction or Authority in the ſaid Courts, ſhall be good and effectual in the Law, to all Intents, Conſtructions and Purpoſes whatſoever.

PROVIDED always, That this Act, or any thing therein contained, ſhall not be conſtrued to extend to take away ſuch Errors in Law, as ſhall or may ariſe upon Miſiſſuing of Proceſs, Miſpleading, and Erroneous Rendring of Judgment in Point of Law; but in all ſuch Caſes the Parties grieved may have their Writ or Writs of Error upon ſuch Erroneous Judgments, as they might have had before the making of this Act.

Paſs'd October 3*d*, 1704. *Revis'd* May 21*ſt*, 1715.

An Act impowering the Commiſſioners of the County Courts to levy and raiſe Tobacco, to defray the neceſſary Charges of their Counties and Pariſhes. No. 24.

BE it Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of Her Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That for the future it ſhall and may be lawful to and for the ſeveral and reſpective Commiſſioners of the ſeveral and reſpective County Courts within this Province, at their ſeveral and reſpective County Courts to be held for their ſaid Counties, upon Examination had before them of the Publick Charges of their ſeveral and reſpective Counties, and Allowances by them made of the ſame, to levy and raiſe Tobacco for Payment and Satisfaction of the ſeveral and reſpective County Charges, and the Sheriff's Salary for Collecting thereof, by an equal Aſſeſſment of the taxable Perſons of the ſaid ſeveral Counties; Any former Law, Act, Uſage, or Cuſtom to the contrary in any wiſe notwithſtanding.

AND be it further Enacted by the Authority, Advice and Conſent aforeſaid, That the Clerk of each reſpective County within this Province, ſhall keep Account of ſuch Tobacco levied, and how diſpoſed of, in a fair Book, apart from other Matters, and a true Copy thereof under the Hand of the reſpective County Clerk, and under the Seal of the ſaid County, by the ſaid County Clerks be Yearly and every Year tranſmitted to the Governor and Council of this Province, before the Tenth Day of *March* next enſuing after the laying of the Levy, for their Inſpection.

AND be it further Enacted by the Authority, Advice and Conſent aforeſaid, That if any Clerk of any County Court aforeſaid, ſhall neglect to tranſmit a Copy of ſuch Account, as aforeſaid, before the Tenth Day of *March*, as aforeſaid, Yearly and every Year, he ſhall forfeit and pay to our Sovereign Lady the Queen, Her Heirs and Succeſſors, the Sum of One thouſand Pounds of Tobacco; One Half to Her Majeſty, Her Heirs and Succeſſors, for the Support of Government, the other Half to the Informer, or him or them that will ſue for the ſame, to be recovered by Action of Debt, Bill, Plaint, or Information, in any Court of Record of this Province, wherein no Eſſoign, Protection, or Wager of Law to be allowed.

AND for Purchaſing Regiſter Books, and for Repairing of Churches, It is pray'd, That it may be Enacted; and be it Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of Her Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That when and as often as the Neceſſity of each reſpective Pariſh ſhall require Repairs or Supplies, the Veſtrymen, and Church-wardens thereof, ſhall apply themſelves to the Juſtices of the County Courts, at the Time of the Laying the County Levy; who, upon the Neceſſity appearing to them, ſhall and are hereby impowered to raiſe, by an equal Aſſeſſment by the Poll, on the Inhabitants of ſuch reſpective Pariſh, ſuch Sums of Tobacco, as by the ſaid Juſtices ſhall be adjudged neceſſary to ſupply the Occaſions aforeſaid, over and above the County Levy, not exceeding the Sum of Ten Pounds of Tobacco *per* Poll in One Year; which Sum ſo raiſed, ſhall be collected and gathered by the Sheriff of the ſame County, and paid to the Veſtrymen of each reſpective Pariſh or Pariſhes, at the Rate of Five *per Cent.* for his Salary.

AND be it further Enacted by the Authority, Advice and Conſent aforeſaid, That where there is no Miniſter or Reſident in the Pariſh, the Veſtrymen of each reſpective Pariſh in this Province ſhall keep a fair Account of the Diſpoſition of the Forty Pounds of Tobacco *per* Poll, levied in their Pariſh, ac-

cording to the Act, Intituled, *An Act for Eſtabliſhment of Religious Worſhip*, &c. and alſo of the Ten Pounds of Tobacco *per* Poll, to be levied and raiſed by Virtue of this Act; and a true Copy thereof, under the Hands of ſuch Principal Veſtryman, or Four of his Brethren of longeſt ſtanding, ſhall Yearly and every Year be tranſmitted to the Governor and Council of this Province, before the Tenth Day of *March*, for their Inſpection.

And be it further Enacted by the Authority, Advice and Conſent aforeſaid, That if the Principal Veſtryman, and Four of his Brethren, ſhall neglect to tranſmit a Copy of ſuch Account, as aforeſaid, before the Tenth Day of *March*, as aforeſaid, Yearly and every Year, they ſhall forfeit and pay to our Sovereign Lady the Queen, Her Heirs and Succeſſors, the Sum of One thouſand Pounds of Tobacco; One Half to Her Majeſty, for Support of Government, the other Half to the Informer, or him or them that will ſue for the ſame, to be recovered by Action of Debt, Bill, Plaint, or Information, in any Court of Record of this Province, wherein no Eſſoign, Protection, or Wager of Law to be allowed.

Paſs'd October 3*d*, 1704. *Revis'd* May 21*ſt*, 1715.

No. 25. *An Act for the Relief of Creditors in* England *againſt Bankrupts, who have Imported any Goods into this Province not accounted for.*

Be it Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of Her Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That if any Perſon, who is become Bankrupt in *England*, and hath Imported into this Province any Cargo of Goods and Merchandizes, and the ſame conſigned to any his Factor or Agent in this Province, who hath not accounted, or ſhall not have accounted for ſuch Cargo, to his Principal (that is to ſay) to the Bankrupt aforeſaid, before an Action of Account be brought againſt ſuch Factor or Agent by the Commiſſioner of Bankrupt, or before a legal Demand made to have Account of ſuch Cargo to the ſaid Commiſſioner, by the Agent, Factor, or Attorney of ſuch Commiſſioner, that the Commiſſioners of Bankrupts, by Virtue of this Act, may compel ſuch Factor or Agent to account to them, as he ſhould have done to the Principal; and the Commiſſioners of Bankrupt ſhall be adjudged, deemed, and taken to have the ſame Right to ſuch Goods and Cargo, and the Produce of the ſame, as they have to any the Goods and Wares of the ſaid Bankrupt in *England*.

Provided always, That no ſuch Commiſſion ſhall be put in Uſe or executed before ſuch Factor of ſuch Commiſſioners of Bankrupts put in good Security to ſatisfie the Debts contracted in this Province by ſuch Bankrupt Merchant, his Factor or Factors, under the Credit of ſuch Cargo or Cargoes of Goods Imported, which are hereby ſuppoſed to be all ſuch Debts as ſhall be contracted by ſuch Bankrupt Merchant, his Factor or Factors, after Importation of ſuch Cargo or Cargoes.

Paſs'd October 3*d*, 1704. *Revis'd* May 21*ſt*, 1715.

An

An Act for laying an Impoſition on ſeveral Commodities Exported out of this Province. Nº 26.

BE it Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of Her Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That from and after the Publication hereof, no Perſon or Perſons whatſoever, inhabiting or reſiding within this Province, ſhall Export any Furs or Skins within this Act hereafter mentioned and expreſſed, but what he, ſhe, or they ſhall pay unto Her Sacred Majeſty, Her Heirs and Succeſſors, to be employed towards the Maintaining of a Free School or Schools within this Province, the ſeveral Duties and Impoſts hereafter following; (that is to ſay)

For every Bear's Skin, Nine Pence *Sterling*.

For Beaver, Four Pence *per* Skin.

For Otter, Three Pence *per* Skin.

For Wild Cats, Foxes, Minks, Fiſhers, and Wolves Skins, One Peny Halfpeny *per* Skin.

For Musk-rat, Four Pence *per* Dozen.

For Racoons, Three Farthings *per* Skin.

For Elk Skins, Twelve Pence *per* Skin.

For Deer Skins, dreſſed or undreſſed, Four Pence *per* Skin.

For Young Bear and Cub Skins, Two Pence *per* Skin.

AND that all Non-Reſidents, from and after the Publication hereof, that ſhall Export out of this Province any Furs or Skins herein before mentioned and expreſſed, ſhall, for every Skin or Fur by him Exported, of what Nature or Quality ſoever, being comprized within this Act, pay unto Her Majeſty, Her Heirs and Succeſſors, for the Uſe aforeſaid, double the Duty by this Act appointed to be paid by Perſons inhabiting or reſiding within this Province, as aforeſaid, the ſame ſeveral Impoſitions to be collected by the ſeveral and reſpective Naval Officers within this Province; which ſaid Naval Officers ſhall once a Year render an Account of the ſaid Impoſition to the Publick Treaſurers of the Province for the time being, who ſhall and are hereby authorized and impowered to receive the ſame, and render an Account thereof to the General Aſſembly of this Province, to the Uſes, Intents and Purpoſes aforeſaid.

AND to the End the ſeveral Impoſitions may be juſtly and duly paid without Fraud or Deceit, Be it Enacted by the Authority, Advice and Conſent aforeſaid, That any Perſon or Perſons whatſoever, Exporting any Furs or Skins out of this Province, ſhall, at or before the Shipping on board of ſuch Veſſel, in which ſuch Skins or Furs ſhall be Exported, as aforeſaid, render upon Oath an Account of the Nature, Quantity and Quality of the ſaid Skins by him, her, or them Exported, as aforeſaid, and whether the ſame be his, her, or their proper Goods and Commodities, or the Goods and Commodities of any other Perſon or Perſons; then whether he, ſhe, or they, to whom they properly belong, as aforeſaid, be Inhabitants or Reſidents of this Province, as aforeſaid; which ſaid Oath ſhall be adminiſtred by the ſeveral and reſpective Naval Officers, or their Deputies thereunto eſpecially appointed: And if any Perſon or Perſons, whether Inhabitants or Non-Reſidents, ſhall put on board any Ship or other Veſſel any Furs or Skins, for which he, ſhe, or they ſhall not have paid the Impoſition aforeſaid, or given good and ſufficient Caution for the ſame to the Naval Officer of the Port or Place from whence ſuch Furs or Skins ſhall be ſhipped, as aforeſaid, or to his Deputy for the time being, and a Certificate from under the Hand of ſuch Naval Officer, or his Deputy, produce for the Payment or Caution by him given for Payment of the Impoſition aforeſaid, he, ſhe,

or

or they ſo Offending, ſhall forfeit and loſe all his, her, or their Furs and Skins, ſo ſhipped as aforeſaid; One Half thereof to Her ſaid Majeſty, Her Heirs and Succeſſors, for the Uſe aforeſaid, the other Half to him or them that ſhall inform or ſue for the ſame, to be recovered by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoign, Protection, or Wager of Law to be allowed. And that the Maſter of any Ship or Veſſel, that ſhall willingly or knowingly take on board his ſaid Ship or Veſſel any Skins or Furs, as aforeſaid, for which the Party or Parties Shipping the ſame ſhall not produce a Certificate, as aforeſaid, being thereof lawfully convict, ſhall forfeit and pay the Sum of Five thouſand Pounds of Tobacco; One Half thereof to Her Sacred Majeſty, Her Heirs and Succeſſors, for the Uſes aforeſaid, the other Half to him or them that ſhall inform or ſue for the ſame, to be recovered as aforeſaid. And that the ſeveral and reſpective Naval Officers of the ſeveral and reſpective Ports may and are hereby authorized and impowered, when and as often as he or they ſhall think fit, to enter into any Ship or Veſſel trading to and from this Province, or into any Houſe, Warehouſe, or other Building, and open any Trunk, Cheſt, Cask, or Fardle, and Search to make in any Part or Place of ſuch Ship or Veſſel, Houſes or Buildings, as aforeſaid, where ſuch Naval Officer ſhall ſuſpect any Furs or Skins to be, as aforeſaid, for which no Account is given, or Duty paid, as aforeſaid; and upon finding any ſuch Furs and Skins unqualified for Exportation, as aforeſaid, them to ſeize and have condemned, as by this Law is before directed.

And be it further Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That from and after the Publication hereof, as aforeſaid, all Perſons, not being Inhabitants of this Province, Exporting out of the ſame any Pork, Beef, or Bacon, ſhall pay unto Her Sacred Majeſty, Her Heirs and Succeſſors, for the Uſe in this Act before mentioned and expreſſed, the ſeveral Impoſts following, (that is to ſay) For dried Beef and Bacon, Twelve Pence the Hundred Weight; and ſo proportionably for any greater or leſſer Quantity; and for Pork and Beef undried, Twelve Pence the Barrel, each Barrel to contain Two hundred Weight; and that no undried Beef and Pork be Exported out of this Province, but in Cask, as aforeſaid: Which ſaid ſeveral Impoſitions ſhall be collected and gathered by the ſeveral and reſpective Naval Officers, who ſhall be accountable for the ſame, as aforeſaid, and have full Authority to enter any Ship or Veſſel, as aforeſaid, and to make Search for any ſuch Goods, as aforeſaid, in ſuch Method and Manner, as in this Act is before mentioned and expreſſed. And if any Perſon or Perſons, being Non-Reſidents, as aforeſaid, ſhall put on board any Ship or Veſſel any Beef, Bacon, or Pork, for which he, ſhe, or they ſhall not have a Certificate, as aforeſaid, or that ſhall ſhip on board any Beef or Pork undried, not being in Cask, as aforeſaid, ſuch Perſon or Perſons ſo offending, ſhall forfeit and loſe all his, her, or their Meat ſo ſhipped, as aforeſaid; One Half to Her Majeſty, Her Heirs and Succeſſors, to the Uſe aforeſaid, and the other Half to the Informer, to be recovered as aforeſaid. And every Maſter of a Ship or Veſſel, that ſhall wittingly or knowingly take on board his ſaid Ship or Veſſel any Beef, Bacon, or Pork, contrary to the true Intent and Meaning of this Act, being thereof legally convict, ſhall forfeit and pay the Sum of Five thouſand Pounds of Tobacco; One Half thereof to Her ſaid Majeſty, Her Heirs and Succeſſors, for the Uſe aforeſaid, the other Half to the Informer, or him or them that ſhall ſue for the ſame, to be recovered as aforeſaid.

And for the better underſtanding what Perſons ſhall be adjudged Non-Reſidents, It is hereby Declared and Enacted by the Authority, Advice, and Conſent aforeſaid, That all Perſons whatſoever, trading to and from this Province, ſhall be adjudged, deemed and taken as Non-Reſidents, not having a Seated Plantation of Fifty Acres of Land at the leaſt, where he, ſhe, or they, with their Family (if any) have reſided for and during the Space of One whole Year, and that within the

the Time and Term of Twelve Months before any Benefit claimed by Virtue of this Act; or that hath, or hereafter ſhall have an Houſe in ſome Port or Town, as his or their proper Freehold, being Forty Foot in Length, and Twenty Foot in Breadth, with Two Brick Chimneys to the ſame, wherein he, ſhe, or they, ſhall have reſided for and during the Space of One whole Year, as aforeſaid; and that no ſuch Perſon or Perſons trading to and from this Province, having Houſes in any Town or Port within the ſame, whereby he, ſhe, or they, may claim any Benefit or Freedom in this Act given to the Inhabitants thereof, ſhall have, hold, or enjoy ſuch Benefit and Privilege, as aforeſaid, any longer than he, ſhe, or they, or his, her, or their Family, ſhall in ſuch Port and Town actually inhabit and reſide.

PROVIDED always, and it is the true Intent and Meaning of this Act, That no Perſon or Perſons whatſoever, as ſhall trade directly from *England* to this Province, as aforeſaid, be deemed, conſtrued, reputed, or taken as Foreigners; but that all and every ſuch Perſon or Perſons, ſo trading directly from *England* to this Province, as aforeſaid, have free Liberty in the Exportation of any Skins or Furs whatſoever, or in the Exportation of any Meat, dried or undried, equal with the Inhabitants of this Province; paying ſuch Duties and Impoſitions for the ſaid ſeveral and reſpective Commodities, as this Law hath impoſed upon the Inhabitants aforeſaid, and no more.

AND be it alſo further Enacted by the Authority aforeſaid, and with the Advice and Conſent aforeſaid, That One former Act of this Province, Intituled, *An Act for laying an Impoſition upon ſeveral Commodities Exported out of this Province*, be and is hereby Repealed.

PROVIDED always, and it is the true Intent and Meaning of this Act, That no Perſon or Perſons whatſoever, having in any Part tranſgreſſed againſt the aforeſaid Law, during the Time it was in Force, being as yet undiſcovered or unproſecuted for the ſame, or under preſent Proſecution for the ſame, ſhall have and receive any Benefit or Advantage by the Repeal thereof; but that upon the Proſecution or Diſcovery of ſuch Perſon or Perſons, ſo having offended, as aforeſaid, the ſaid Law ſhall be pleadable in any Court within this Province, wherein any Plaint or Information is or ſhall be brought againſt ſuch Perſon or Perſons, as aforeſaid, and the Judgment thereupon given by the Juſtices of the ſaid Court, as the Nature of the Cauſe ſhall require, in as full and ample Manner, as tho' the ſaid Law, at the Time of the Rendring ſuch Judgment, were then actually in Force; Any thing before mentioned or recited to the contrary thereof notwithſtanding.

Paſs'd October 3*d*, 1704. *Revis'd* May 21*ſt*, 1715.

An Act for the Encouragement of ſuch Perſons, as will undertake to build Water Mills. No. 27.

DAILY Experience ſheweth, That the Want of Water Mills is the true Cauſe that Husbandry in Tilling the Ground, and for Sowing of Wheat and Barley, is but coldly proſecuted, tho' the Advantage thereby in raiſing the Stock of Neat Cattle be great; and foraſmuch as moſt Part of the Places fit for ſetting up of Water Mills are already in the Hands of Perſons under Age, or unable to be at the Charge of Building a Water Mill; or elſe, ſuch as are wilfully obſtinate in Forbidding and Hindring ſuch Perſons as would purchaſe the ſaid Places fit for Building Water Mills, and ſet them up, to the Increaſe of

our Trade and Navigation, much to the Publick Damage of the Province; Be it Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of Her Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That if any Perſon or Perſons, from and after the Publication hereof, ſhall deſire to ſet up a Water Mill upon any Land next adjoyning to any Run of Water within this Province, not being the proper Poſſeſſion or Freehold of ſuch Perſon or Perſons, nor leaſed to them, to the Intent thereon to ſet a Water Mill, they ſhall purchaſe a Writ out of Chancery directed to the Sheriff of the County where ſuch Land lieth, requiring him, by the Oath of Twelve Men of his County, to enquire what Damage it would be to Her Majeſty, or others, to have a Mill ſet up in ſuch Place, as aforeſaid; The Form of which Writ followeth, *Viz.*

ANNE, *by the Grace of God, of* England, Scotland, France, *and* Ireland, *Queen, Defender of the Faith,* &c. *To the Sheriff of* A. *County, Greeting; We Command you, That by the Oaths of Twelve honeſt and lawful Men of the County, by whom the Truth of the Matter may be better known, you diligently enquire if it be to the Damage of Us, or others, if We grant* N. N. *of* N. *County, Twenty Acres of Land, lying at* N. *in the County aforeſaid;* (Viz.) *Ten Acres on the one Side ſuch Run, and Ten Acres on the other Side of ſuch Run of Water, together with Liberty to take, fall, cut down, and carry away, either by Land or Water, any Wood or Timber fit for Building a Mill, other than Timber fit to ſplit into Clapboards, upon any the Lands next adjoyning to the ſaid Twenty Acres of Land lying on each Side of the ſaid Run of Water at* N. N. *aforeſaid, in the County aforeſaid: And if it be to the Damage and Prejudice of Us, or others, then to what Damage and Prejudice of Us, and to what Damage and Prejudice of others, and of whom, and in what Manner, and how, and of what Value they are by the Year, according to the true Value thereof now, before any other Improvement of the ſaid Twenty Acres of Land; and who are the preſent Poſſeſſors of the ſaid Twenty Acres of Land; and what Lands and Tenements remain to the preſent Poſſeſſor over the ſaid Twenty Acres; and if the ſaid Land remaining to the preſent Poſſeſſors, over the ſaid Twenty Acres, will ſuffice to uphold their Manor,* (Viz.) *The Sixth Part of their Manor alotted them by the Conditions of Plantations for the Demeſne as before the Alienation, ſo as the County by the Alienation aforeſaid, in Default of the preſent Poſſeſſion, more than was wont, be not charged and grieved; and the Inquiſition thereupon, openly and diſtinctly made to Us in Our Chancery, under the Seal, and the Seals of them by whom it was made, without Delay, ſend,* &c.

UPON Return of which Writ, in caſe the Perſon or Perſons, who by the ſaid Inqueſt ſhall be found to be the true Owners and Poſſeſſors of the Land fit to build a Mill upon, ſhall refuſe to build a Mill thereon within One Year, from that Day to be computed and reckoned, and give Security the ſame Building to proſecute and finiſh within Two Years after the ſaid Beginning or Laying the Foundation, as aforeſaid, for the Publick Good of the Province; It ſhall and may be lawful for Her ſaid Majeſty, Her Heirs or Succeſſors, or for their Chief Governor here for the time being, from time to time, to grant any ſuch Twenty Acres of Land, fit to build a Water Mill upon, as aforeſaid, together with free Egreſs and Regreſs to the ſaid Water Mill, either by Land through any Man's Land next adjoyning, or elſe by Water; together with Liberty to fall any Timber for Building the ſaid Water Mill, other than Board Timber fit to ſplit or cleave into Clapboards, for any Time or Term not exceeding Eighty Years then next to come, under the Yearly Rent of the Land, then, by the Oath of Twelve Men, by Virtue of the Writ aforeſaid returned, to be paid to the Owner of the ſaid Land ſo found and returned, as aforeſaid: Which ſaid Grant from Her ſaid Majeſty, Her Heirs and Succeſſors, or from the Gover-

nor

nor here for the time being, as aforeſaid, ſhall be good and available in Law to the Grantee, as aforeſaid, for any Term of Years not exceeding Eighty Years, as aforeſaid, againſt all Perſons whatſoever; Any Law, Cuſtom, or Uſage heretofore had, made, or uſed within this Province, to the contrary notwithſtanding.

PROVIDED always, That before any Perſon or Perſons whatſoever ſhall have ſuch Grant to build a Water Mill, as aforeſaid, he or they ſhall enter into Bond to Her ſaid Majeſty, with Two ſufficient Sureties, in the Sum of Fifty thouſand Pounds of Tobacco, with Condition to begin to build the ſaid Water Mill within One Year then next to come, and the Building to proſecute and finiſh within Two Years after ſuch Beginning.

AND for the great Advantage that is already found to the Province in general by the Mills already built, ſome of which do ſtand upon Lands, whereof the Title is doubtful for want of due Form of the Conveyance, or of the Laſt Wills and Teſtaments, by which the Lands have been conveyed or deviſed to the Builders of ſuch Mills; Be it therefore Enacted, That all and every ſuch Perſon or Perſons, as aforeſaid, who have built Mills, ſhall and may have ſuch Writ or Writs, as aforeſaid, to enquire of the true Yearly Value of the Land where ſuch Mill doth ſtand, and of Ten Acres of Land on each Side of the ſaid Run, as aforeſaid; and upon Return of ſuch Writ, as aforeſaid, ſhall have a Grant from Her Majeſty's Chief Governor here, as aforeſaid, for any Term not exceeding Eighty Years, and Yearly Rent return, as aforeſaid, to be paid to the right Owner of the ſaid Land, as aforeſaid; Any Law or Uſage to the contrary hereof in any wiſe notwithſtanding.

AND be it Enacted by the Authority aforeſaid, That from and after the Publication hereof, no Perſon or Perſons whatſoever having, or that ſhall hereafter have obtained any Grant for any Lands, whereof ſuch Perſon or Perſons are not the real Owners or Poſſeſſors thereof, and whereupon he, ſhe, or they have already built, or ſhall hereafter build a Water Mill, as this Law hath before directed, ſhall have any Right, Title, or Claim to any Land granted for any Time or Term whatſoever, after ſuch Mill by him or them already built, as aforeſaid, or that ſhall hereafter be built, ſhall be caſually broke or gone to Decay, as aforeſaid, other than Two Years, for the new Erecting, Building, Finiſhing, and Repairing of ſuch Mill, as aforeſaid, but that in all and every Caſe, where any Perſon or Perſons, that have already built, or that ſhall hereafter build any Water Mills, which are, or that hereafter ſhall be broke, or gone to Decay, as aforeſaid, and ſhall not, within Two Years after the Publication hereof, or within Two Years after ſuch Mill ſhall become broke, or gone to Decay, as aforeſaid, cauſe the ſame to be new built, repaired, and finiſhed, as aforeſaid, it ſhall and may be lawful for the real Owner or Owners of ſuch Land, to ſuch Perſon or Perſons ſo granted, as aforeſaid, to reenter upon the ſame; and in caſe ſuch Perſon or Perſons ſhall refuſe or deny to give the Owner or Owners of ſuch Land, as aforeſaid, peaceable and quiet Poſſeſſion therof, ſuch Owner or Owners ſhall and may recover his Right to the ſame by Ejectment, or otherwiſe, as the Law directs; Any thing in this Act contained to the contrary withſtanding.

AND for Prevention of the Abuſe frequently committed by Perſons keeping Water Mills, by taking of Exceſſive Toll; Be it therefore Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That from and after the Publication hereof, as aforeſaid, no Maſter, Owner, Miller, or other Perſon, properly belonging to, or otherwiſe owning any Mill within this Province, ſhall ask, demand, or receive for Grinding any Quantity or Quantities of *Indian* Corn or Wheat whatſoever, above the Sixth Part of every Buſhel of *Indian* Corn, and Eighth Part of every Buſhel of Wheat, by him or them ſo ground, as aforeſaid, upon Penalty and Forfeiture of One thouſand Pounds of Tobacco; One Half to the Uſe of Her Majeſty, Her Heirs and Succeſſors,

Succeſſors, for the Support of Government, and the other Half to him or them that ſhall inform or ſue for the ſame, to be recovered in the reſpective County Courts by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoign, Protection, or Wager of Law to be allowed; Any other Act, Uſage, or Cuſtom to the contrary notwithſtanding.

PROVIDED always, That if any Perſons, upon Encouragement of former Acts hereby Repealed, have begun to build any Mill, they ſhall ſtill have all thoſe Advantages, that they might have had by ſuch Act hereby Repealed, as if the former Act or Acts were ſtill in Force.

Paſs'd October 3*d*, 1704. *Revis'd* May 16*th*, 1715.

No 28. *An Act for the Advancement of the Natives and Reſidents of this Province.*

BE it Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of Her Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That no Perſon or Perſons whatſoever, who have not made this Province their Seat of Reſidence for the full Space and Term of Three Years, ſhall have, hold, poſſeſs, or enjoy, any Place or Office of Truſt or Profit within the ſame, either by himſelf or Deputy, except ſuch Perſon or Perſons as ſhall have immediate Commiſſion from Her Majeſty, Her Heirs and Succeſſors, for any ſuch Place or Office aforeſaid, as alſo ſuch Perſon or Perſons now poſſeſſed of any ſuch Place or Office, as aforeſaid; but that all and every Her Majeſty's Principal Officers within this Province, having, or that ſhall hereafter have Authority, by Virtue of any Commiſſion from Her Majeſty, Her Heirs and Succeſſors, to him or them granted to diſpoſe of any Place or Office, as aforeſaid, may, upon Vacancy of any Place or Office, whereof they have Right to diſpoſe, be obliged to make Choice of ſuch Perſon or Perſons, as they ſhall think moſt worthy and capable of Executing ſuch Place or Office, as aforeſaid, out of the Inhabitants of this Province, who have been reſident therein during the Time and Term aforeſaid; (except before excepted) Any Cuſtom or Uſage to the contrary notwithſtanding.

AND be it further Enacted, That every Perſon or Perſons whatſoever, having Commiſſion from the Queen's Majeſty, Her Heirs and Succeſſors, to exerciſe any Office within this Province, ſhall actually inhabit in this Province, and exerciſe the ſame in his own proper Perſon, and not by any Deputy or Deputies, without particular Leave from Her Majeſty.

Paſs'd December 9*th*, 1704. *Revis'd* May 28*th*, 1715.

An

An Act for the Preſervation of the ſeveral Harbours and Landing Places within this Province. N° 29.

BE it Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of Her Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That from and after the Publication of this Act, no Perſon or Perſons whatſoever, whether Inhabitant or Foreigner, trading with Ships or Veſſels of greater or leſſer Burthen, having a Deck, ſhall unload or caſt out of their ſaid Ships or Veſſels any kind of Balaſt into the Harbours or Creeks where they ride, but ſhall lay the ſaid Balaſt on the Shore above Highwater Mark; and whoſoever ſhall preſume to do contrary to the Directions of this Act, ſhall, for every ſuch Default, forfeit and pay Two thouſand Pounds of Tobacco; the One Half to our Sovereign Lady the Queen, to be employed for the Support of the Government of this Province, and the other Moiety to him or them that ſhall ſue for the ſame, to be recovered by Action of Debt or Information, wherein no Eſſoign, Protection, or Wager of Law to be allowed.

AND be it further Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That every reſpective Naval Officer within this Province, or Collector for the time being, or that ſhall hereafter be, ſhall, at their own proper Coſt, take out a Copy of this Act from the Office where the Original Tranſcript of the Body of the Laws ſhall be kept, ſigned by the Keeper of the ſaid Laws, and the ſame affix at their reſpective Office-Doors, to the End all Commanders and Maſters of Ships or other Veſſels deck'd, as aforeſaid, may have due Cognizance thereof; and if ſuch Naval Officer refuſe or neglect to take out ſuch Copy, and affix the ſame, as aforeſaid, he ſhall forfeit and pay Two thouſand Pounds of Tobacco; the One Half to our Sovereign Lady the Queen, to be employed to the Uſe, Intent, and Purpoſe aforeſaid, the other Half to the Informer, to be recovered, as aforeſaid.

AND be it Enacted by the Authority, Advice and Conſent aforeſaid, That if any Perſon or Perſons ſhall preſume to build or make any Hedge or Wear acroſs any Creek or River towards the Head or narrow Parts thereof, below any Publick Landing Places, ſo as to prejudice and dam up the Chanel, ſhall be liable to a Fine of Five hundred Pounds of Tobacco, to be recovered, as aforeſaid, to the Uſes aforeſaid.

Paſs'd December *9th*, 1704. *Revis'd* May *24th*, 1715.

An Act for Limitation of Officers Fees. N° 30.

BE it Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of Her Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That from and after the Publication hereof, no Officer or Officers hereafter mentioned in this preſent Act, their Miniſters, Servants, or Deputies, by reaſon or colour of his or their Office or Offices, have, receive or take of any Perſon or Perſons, directly or indirectly, any other Fees than by this Act are hereafter limited and allowed to the ſeveral Officers hereafter mentioned.

To the Chancellor, or Keeper of the Great Seal.

FOR Seal of an Orignal Writ, Six Pounds of Tobacco.
For Seal of a *Recordari*, Twelve Pounds of Tobacco.

For Seal of a *Subpœna ad reſpondendum*, with Three Names or under, Fifteen Pounds of Tobacco.

For every Name more than Three, Six Pounds of Tobacco.

For Seal to a Proclamation of Rebellion, Three hundred and ſixty Pounds of Tobacco.

For Seal of a Commiſſion of Rebellion, Three hundred and ſixty Pounds of Tobacco.

For Seal of a Grant of Land, for One hundred Acres or under, One hundred and twenty Pounds of Tobacco.

For every Hundred Acres above One hundred Acres, Twelve Pounds of Tobacco.

For Seal of a Decree in Chancery, Four hundred and thirty Pounds of Tobacco.

For Seal of an Injunction in Chancery, Two hundred and forty Pounds of Tobacco.

For Seal of an *Audita Querela*, One hundred and twenty Pounds of Tobacco.

For Seal to an Execution of a Decree in Chancery, One hundred and ſixty two Pounds of Tobacco.

For Seal of a Writ of Covenant for Paſſing a Fine, Fifteen Pounds of Tobacco.

For Seal of a Commiſſion to take Ackowledgement, One hundred and twenty Pounds of Tobacco.

For the Counſellor's Hand to a Writ of Aſſiſe, Two hundred and forty Pounds of Tobacco.

For Seal to a Writ of Error to the Council, Two hundred and forty Pounds of Tobacco.

For Seal to a *Scire facias* thereupon, Two hundred and forty Pounds of Tobacco.

For Seal of a *Superſedeas* thereupon, Two hundred and forty Pounds of Tobacco.

For the Seal to a *Certiorari*, Two hundred and forty Pounds of Tobacco.

For the Seal of an Exemplification of Land, the ſame with the Patent or Grant.

For the Chancellor's Hand to a Writ of Covenant, Two hundred and forty Pounds of Tobacco.

For a Seal to a *Mandamus*, One hundred and Twenty Pounds of Tobacco.

For the Seal to a *Melius inquirendum*, One hundred and twenty Pounds of Tobacco.

For Seal of a Commiſſion of a County Court, Four hundred and thirty Pounds of Tobacco.

For Seal of a *Dedimus poteſtatem* to ſwear the Juſtices, Two hundred and forty Pounds of Tobacco.

For Seal of a *Superſedeas* to a Commiſſion of Rebellion, or *Supplicavit*, Two hundred and forty Pounds of Tobacco.

For the Seal of Sheriff's Patent for his Office, Four hundred and eighty Pounds of Tobacco.

For the Seal of *Poſſe Comitatûs*, One hundred and twenty Pounds of Tobacco.

For Seal of a Writ of Diſcharge (if any) One hundred and twenty Pounds of Tobacco.

For

For Seal of a Patent of Denization, Four hundred and thirty Pounds of Tobacco.

For Seal of a *Ne exeat Provinciam*, One hundred and twenty Pounds of Tobacco.

For Seal of a Writ of Error from any County Court, One hundred and twenty Pounds of Tobacco.

For Seal of a *Scire facias* thereupon, One hundred and twenty Pounds of Tobacco.

For Seal of a *Superſedeas* thereupon, One hundred and twenty Pounds of Tobacco.

For Seal of every other Matter and Thing, that ſhall paſs the Great Seal, and not herein contained, each, One hundred and twenty Pounds of Tobacco.

To the Commiſſary General, or Chief Judge in Teſtamentary Cauſes

FOR every Letter of Adminiſtration, or Letter Teſtamentary, One hundred Pounds of Tobacco.

For every Bond, Sixty Pounds of Tobacco.

For every Oath, Sixteen Pounds of Tobacco.

For a Warrant to Appraiſers, Twenty eight Pounds of Tobacco.

For every Warrant to ſwear them, Twenty eight Pounds of Tobacco.

For every Commiſſion to prove a Will, or to take Oath to account, or of Adminiſtration, One hundred Pounds of Tobacco.

For Recording Wills, Inventories, or Copying the ſame, or any other Matter out of the Commiſſary's Office, Sixteen Pounds of Tobacco, *per* Side, computing Seven Words to a Line, and Fifteen Lines to a Side.

For every Order in Teſtamentary Cauſes, Sixteen Pounds of Tobacco.

For every Citation, Twenty Pounds of Tobacco.

For Filing every Libel, Anſwer, Replication, Petition, *&c.* Forty Pounds of Tobacco.

For *Subpœna* for Coſts, Sixteen Pounds of Tobacco.

For Drawing definitive Sentence, *per* Side, Sixteen Pounds of Tobacco.

For Filing of Coſts, Sixteen Pounds of Tobacco.

For Copy of Coſts, Sixteen Pounds of Tobacco.

For Recording definitive Sentence, *per* Side, Sixteen Pounds of Tobacco.

For Execution of definitive Sentence, *per* Side, Sixteen Pounds of Tobacco.

For Seal to the definitive Sentence, Four hundred and eighty Pounds of Tobacco.

For Seal to the Execution of ſuch definitive Sentence, Two hundred and forty Pounds of Tobacco.

For Copy of every Anſwer, Libel, Replication, or Rejoynder, as before, *per* Side, Sixteen Pounds of Tobacco.

For Drawing Depoſitions of Witneſſes, *per* Side, Sixteen Pounds of Tobacco.

For Filing Interrogatories, Forty Pounds of Tobacco.

For Entry of Demand for Adminiſtration, or Probate of Wills, Eight Pounds of Tobacco.

For Entry of every Return, Eight Pounds of Tobacco.

For every Appearance, Sixteen Pounds of Tobacco.

For an Attachment of Contempt, Fifty ſix Pounds of Tobacco.

For a *Quietus eſt*, One hundred Pounds of Tobacco.

Secretary's Fees.

FOR a *Recordari*, Twelve Pounds of Tobacco.

For a *Subpœna ad reſpondendum*, Three Names, Fifteen Pounds of Tobacco.

For every Name more than Three, Six Pounds of Tobacco.

For Attachment of Contempt, Eighteen Pounds of Tobacco.

For a Proclamation of Rebellion, One hundred and twenty Pounds of Tobacco.

For an Injunction, Sixty Pounds of Tobacco.

For an *Audita querela*, One hundred Pounds of Tobacco.

For a Writ of Enquiry of Damages, Forty Pounds of Tobacco.

For a Writ of Covenant to paſs a Fine, Fifteen Pounds of Tobacco.

For a Commiſſion to take Acknowlegment, One hundred and twenty Pounds of Tobacco.

For a Writ of Aſſiſe, Thirty Pounds of Tobacco.

For a Commiſſion to fine Officers upon a *Melius inquirendum*, or *Monſtraverunt*, One hundred and twenty Pounds of Tobacco.

For a *Ne exeat Provinciam*, One hundred and twenty Pounds of Tobacco.

For Drawing any Inſtrument that paſſes the Seal, if it exceed one Side, computing Seven Words to a Line, and Fifteen Lines to a Side, and ſo, *pro rato*, for more, Sixteen Pounds of Tobacco.

For Recording the ſame as before, Sixteen Pounds of Tobacco.

For Entring any other Matter upon Record, if it exceed Half a Side of a Leaf, Eight Pounds of Tobacco.

If the Matter entred upon Record be above Half a Side, computing as before, for every Side, Sixteen Pounds of Tobacco.

Copying the ſame, with Recording, Sixteen Pounds of Tobacco.

For any Warrant or Licence againſt or to One Perſon only, not under the Seal, Fifteen Pounds of Tobacco.

For any Warrant or Licence againſt or to more than One, not under the Seal, then for each Fifteen Pounds of Tobacco.

For any other Paſs or Diſcharge, not under the Seal, Fifteen Pounds of Tobacco.

For Search of a Record, the Firſt Year, Nothing.

For Search of a Record above One Year ſtanding, for every Year within the firſt Five Years, *per Annum*, Four Pounds of Tobacco; and

For every Year above Five, *per Annum*, Two Pounds of Tobacco.

For Filing every Bill in Chancery, Forty Pounds of Tobacco.

For every Court the ſame ſhall continue, Four Pounds of Tobacco.

For Filing every Anſwer, Thirty ſix Pounds of Tobacco.

For every Oath to the ſame, Twelve Pounds of Tobacco.

For Writing a Commiſſion, a Bond, and Recording it, for every Sheriff's Office, Two hundred and forty Pounds of Tobacco.

For Writ of *Poſſe Comitatus*, One hundred and twenty Pounds of Tobacco.

For Writ of Diſcharge, if any, One hundred and twenty Pounds of Tobacco.

For Writing and Recording a Commiſſion, and *Dedimus Poteſtatem*, for the County Court, Three hundred and thirty Pounds of Tobacco.

For every Writ and Return, Twenty eight Pounds of Tobacco.

For every *Subpœna* and Return, Thirty eight Pounds of Tobacco.

For Filing and Recording every Declaration, *per* Side, accounting Fifteen Lines to a Side, and Seven Words to a Line, Sixteen Pounds of Tobacco.

For Copy of the ſame at the ſame Rate, not to be charged, unleſs required and delivered.

For every Appearance entred, Twelve Pounds of Tobacco.

For

For Entry of an Imparlance, Eight Pounds of Tobacco.
For a Continuance or Reference, Eight Pounds of Tobacco.
For Filing a Plea, if not Special, Eight Pounds of Tobacco.
For Special Plea, *per* Side, as before, Sixteen Pounds of Tobacco.
For making up the Iſſue, Thirty two Pounds of Tobacco.
For Rule to plead, or for Trial, Eight Pounds of Tobacco.
For a *Venire facias* for Jurors, Twenty eight Pounds of Tobacco.
For Copy of the Panel, Eight Pounds of Tobacco.
For every Verdict, Eight Pounds of Tobacco.
For Entring Judgment, Thirty two Pounds of Tobacco.
For Signing Judgment, Twenty four Pounds of Tobacco.
For Copy of Judgment, Thirty two Pounds of Tobacco.
For Tranſcript of the whole Proceedings as before, *per* Side, Sixteen Pounds of Tobacco.
For Filing a Bill of Coſts, Six Pounds of Tobacco.
For Copy of it (if demanded and delivered) Sixteen Pounds of Tobacco.
For every Execution and Return,———
For an Attachment and *Scire facias*, Fifty Six Pounds of Tobacco.
For every Special Bail, Sixteen Pounds of Tobacco.
For Filing and Recording any Demurrer, Sixteen Pounds of Tobacco.
For Drawing a Proteſt, and Recording it, Two hundred and forty Pounds of Tobacco.
For Drawing any other Matter, as Publick Notary atteſted under the Seal, Fifty Pounds of Tobacco.
If ſuch Matter exceed One Side, then *per* Side, Sixteen Pounds of Tobacco.
For Recording a Patent for Land, One hundred and twenty Pounds of Tobacco.
For Proving Rights *per* Poll, Two Pounds of Tobacco.
For Entring Aſſignment not exceeding Half a Side, Sixteen Pounds of Tobacco.
For Entring Certificate for Land, Sixteen Pounds of Tobacco, *per* Side, as before.
For Warrant for Land, Twenty eight Pounds of Tobacco.
For a Warrant of Reſurvey *per* Order of Council, Fifty Pounds of Tobacco.
For *Habere facias Poſſeſſionem*, Twenty eight Pounds of Tobacco.
For a Replevin, Twenty eight Pounds of Tobacco.
For a *Procedendo*, Twenty eight Pounds of Tobacco.
For a Writ of Reſtitution, Twenty eight Pounds of Tobacco.
For Drawing *Dedimus poteſtatem*, to examine Evidences, Fifty Pounds of Tobacco.
For a *Habeas Corpus*, Fifty Pounds of Tobacco.
For a *Certiorari*, Fifty Pounds of Tobacco.
For a Commiſſion to audit, Fifty Pounds of Tobacco.
For an *Elegit*, Fifty Pounds of Tobacco.
For a Commiſſion of Reſurvey, Fifty Pounds of Tobacco.
For a Writ of Diminution, Twenty eight Pounds of Tobacco.
For a Writ of Error to the County Court, Fifty Pounds of Tobacco.
For a *Scire facias* thereupon, Fifty Pounds of Tobacco.
For *Superſedeas* thereupon, Fifty Pounds of Tobacco.
For Entring an Acknowlegement of Land in Court, Twelve Pounds of Tobacco.
For Recording a Conveyance, at Sixteen Pounds of Tobacco *per* Side, as before.
For taking every Recognizance in Court, Twenty eight Pounds of Tobacco.
For Diſcharge of every Recognizance, Twenty eight Pounds of Tobacco.

For every *Venire facias*, or Warrant to apprehend Criminals, Thirty Pounds of Tobacco.

For Appearance, Sixteen Pounds of Tobacco.

For every Reſpit and Continuance, Twenty eight Pounds of Tobacco.

For every Order in Criminal Caſes, Sixteen Pounds of Tobacco.

For Copy of every Recognizance, Twenty eight Pounds of Tobacco.

For every Indictment, Sixteen Pounds of Tobacco, *per* Side, as before.

For Copying every Indictment, the ſame.

For Filing Plea to the ſame, Eight Pounds of Tobacco.

For Confeſſion to every Indictment, Sixteen Pounds of Tobacco.

For Allowance of a Writ of Error, Twenty eight Pounds of Tobacco.

For every Indictment after the Firſt Name, Twenty four Pounds of Tobacco.

For Rule for Trial, Sixteen Pounds of Tobacco.

For Copy of Panel, Eight Pounds of Tobacco.

For Recording Verdict, Eight Pounds of Tobacco.

For Entring Conviction, and Signing Judgment, Fifty ſix Pounds of Tobacco.

For Writ of Execution thereupon, Fifty ſix Pounds of Tobacco.

All other Fees, not herein compriſed, belonging to the Secretary's Office, to be charged as Officers do in *England*, *pro rato*, at One Peny *per* Pound.

To the Surveyor General, and his Deputies.

TO the Survey of One hundred Acres of Land, or under, One Pound of Tobacco *per* Acre.

For any Quantity above One hundred Acres, and under Two hundred Acres, for the Firſt Hundred, as before, and Half a Pound of Tobacco for the reſt *per* Acre.

If between Two hundred Acres and Five hundred Acres, then for the Firſt two hundred Acres, as before, and a Quarter of a Pound of Tobacco for all above.

For Five hundred Acres, as before, and for all above, Ten Pounds of Tobacco *per* Hundred Acres.

For every Plat, allowing Three Plats for every Survey (that is to ſay) One to the Party, One to the Examiner General, and the other to be entred upon the Surveyor's Book, Ten Pounds of Tobacco for the Firſt one hundred Acres, or under; and after the Rate of Five Pounds of Tobacco *per Cent.* for all above the Firſt one hundred Acres.

For Journey Fees, if the ſame be diſtant from the Surveyor's Houſe Twenty Miles, or under, Forty Pounds of Tobacco; if above Twenty, and under Forty Miles, Eighty Pounds of Tobacco; if above Forty, and under Sixty, then One hundred and twenty Pounds of Tobacco; ſo *pro rato.*

For every Certificate of Survey (be the Quantity more or leſs) Five Pounds of Tobacco.

For the Reſurvey of One hundred and forty Acres of Land, or under, made with a Circumferenter Chain, and other neceſſary Inſtruments, Four hundred Pounds of Tobacco.

For Reſurvey of any Quantity of Land above One hundred and forty Acres, the ſame Fees that are allowed upon primitive Surveys (computing the ſaid One hundred and forty Acres as a Part of the Survey) and no more, except it be otherwiſe limited by the Act for Aſcertaining the Bounds of Land.

Sheriff's

Sheriff's Fees.

FOR Serving a Writ and Bail Bond, Thirty five Pounds of Tobacco.

For Tending on a Priſoner One Day, Twenty four Hours in Cuſtody, Twenty Pounds of Tobacco, and ſo, *pro rato*, for a longer Time.

For Collecting the Publick Dues for every Hundred, Ten Pounds of Tobacco.

For Serving an Attachment or Execution, Ten Pounds of Tobacco; and if any Execution be for above One hundred, and under Five hundred Pounds of Tobacco, Fifty Pounds of Tobacco; if it exceed Five hundred Pounds of Tobacco, then One hundred Pounds of Tobacco; if it exceed One thouſand, then for the Firſt thouſand, One hundred Pounds of Tobacco, and every Thouſand afterwards, Fifty Pounds of Tobacco.

For Commitment and Releaſement, Forty Pounds of Tobacco.

For Pillory and Whipping, Nothing allowed.

And after the ſame Rate for Money or Tobacco.

AND it is hereby Declared, That it is the true Intent and Meaning of this Act, the ſeveral Sheriffs ſhall have no more Fees, than for what ſhall appear to be juſtly due upon ſuch Execution; and the ſame Fees for Levying any Attachment for any Sum whatſoever, Money or Tobacco, or the full Value thereof in any Goods or Merchandizes: Provided the ſame be condemned to the Uſe of the Party Plaintiff attaching the ſame; and *pro rato* for ſuch Part thereof as ſhall be condemned: But if no Part ſhall be condemned that ſhall be attached, that then the ſaid Sheriff ſhall have only Ten Pounds of Tobacco for Retaining the Writ aforeſaid, and no more.

For Impanelling a Jury, One hundred and twenty Pounds of Tobacco.

For Serving any Extraordinary Warrant or Commiſſion, to be regulated by the Court.

For Serving a *Scire facias*, including the Perſon ſummoned, Thirty Pounds of Tobacco.

For Serving a Citation, Thirty Pounds of Tobacco.

For Executing a Commiſſion of Reſurvey, *per* Day, One hundred Pounds of Tobacco.

For Impanelling a Jury, Two hundred and forty Pounds of Tobacco.

If impowered to ſwear Jury and Evidences, then for every Oath, Twelve Pounds of Tobacco.

For every *Non eſt inventus* returned, Ten Pounds of Tobacco.

For Serving a *Subpœna*, Thirty Pounds of Tobacco.

For Commitment and Releaſement, Forty Pounds of Tobacco; but

For Whipping and Pillory, Nothing allowed.

To the Coroner.

FOR Viewing the Body of any Perſon or Perſons, murthered, ſlain, or otherwiſe dead by Miſadventure, to be made out of the Goods and Chattels of the Party ſo dead; (if any there be) otherwiſe to be levied by the Commiſſioners of the County where ſuch Accident ſhall happen, Two hundred and fifty Pounds of Tobacco.

For Arreſting or Summoning any Sheriff, ſued or proſecuted in any Court, and for taking Security, Forty Pounds of Tobacco.

For Arreſting, Summoning, or Attaching any other Perſon or Perſons, wherein the Sheriff is Plaintiff, ſuch Fees as are allowed to be taken by the Sheriff in ſuch Caſes, and no more.

To the Cryer of the Provincial Court.

FOR Swearing every Jury, One hundred and forty four Pounds of Tobacco.
For Swearing every Witneſs, Twelve Pounds of Tobacco.
For every Special Bail, Seventy two Pounds of Tobacco.
For every Good Behaviour, Seventy two Pounds of Tobacco.
For Clearing every Priſoner by Proclamation, Eighty Pounds of Tobacco.
For the Acquittal of every Priſoner, Eighty Pounds of Tobacco.
For every Appeal from the County Court, Fifty Pounds of Tobacco.
For every Writ of Error returned from the County Court, Fifty Pounds of Tobacco.

To the Clerk of the Council.

FOR every Petition in Council, and Order in Favour of the Party, Two hundred Pounds of Tobacco.
For any Commiſſion, or other Inſtrument prepared by the ſaid Clerk to paſs the Broad Seal, if for a Place of Profit, Four hundred Pounds of Tobacco.
For every Sheriff's Commiſſion, Four hundred Pounds of Tobacco.
For every Ranger, Surveyor, or Commiſſion of Profit granted in Council, Two hundred Pounds of Tobacco.
For Recording any Matter in Council, *per* Side, for any private Perſon, Twenty four Pounds of Tobacco, and ſo, *pro rato*, for more or leſs.
For Copy of any Matter or Thing from the Council Records, the ſame *per* Side.
For all Searches, to the Clerk of the Council as is to the Honourable Secretary.

To the Clerk of the High Court of Appeals.

FOR Recording every Writ of Error, *Scire facias*, and Return, *per* Side, Twenty four Pounds of Tobacco, and ſo, *pro rato*, as before, Seven Words in a Line, and Twelve Lines in a Sheet.
The like for Recording a Tranſcript.
The like Fees for Recording the Errors.
For Entring and Signing Judgment, Eighty four Pounds of Tobacco.
For Filing a Bill of Coſts, Twenty four Pounds of Tobacco.
For Copy of the ſame, Twenty four Pounds of Tobacco.
For all other Fees, as are taken in the Provincial Court Office.

To the Clerk of the County Court.

FOR a Writ and Return, Sixteen Pounds of Tobacco.
For every Declaration (if a Side) Eight Pounds of Tobacco, and ſo, *pro rato*, if more.
For Copy of the ſame, if demanded, as before.
For Entring of the Defendant's Appearance, Six Pounds of Tobacco.
For every Imparlance, Four Pounds of Tobacco.
For Filing every Plea and Demurrer (if not a Special one) Four Pounds of Tobacco: If a Folio or more, *pro rato*; if any Copy delivered, *pro rato*.
For Entring any Matter upon Record, if Half a Side, Four Pounds of Tobacco; if more, then, *pro rato*, as before.

For

For a *Subpœna*, if but One Name, Ten Pounds of Tobacco; if Two or Three Names, Sixteen Pounds of Tobacco.

For Rule to plead, or Trial, Four Pounds of Tobacco.

For making up the Iſſue, Eight Pounds of Tobacco.

For Copy, if delivered, Eight Pounds of Tobacco.

For Entring Judgment, Sixteen Pounds of Tobacco.

For Signing Judgment, Twelve Pounds of Tobacco.

For *Venire facias* for Jury, Twelve Pounds of Tobacco.

For Entring the Panel, Four Pounds of Tobacco.

For Filing Bill of Coſts, Eight Pounds of Tobacco.

For Copy of the ſame, Eight Pounds of Tobacco.

For Execution and Return, Sixteen Pounds of Tobacco.

For Special Bail, Six Pounds of Tobacco.

For Writ of Enquiry of Damages, Forty four Pounds of Tobacco.

For Entring an Appeal, Eight Pounds of Tobacco.

For the Return of Certificate Copy of the Record, *per* Side, Eight Pounds of Tobacco.

For Entring a Writ of Error, Eight Pounds of Tobacco.

For every Oath, Six Pounds of Tobacco.

For Proving a Deed or Writing, Eight Pounds of Tobacco.

For a Copy of the ſame, if required, *per* Folio, Eight Pounds of Tobacco.

For Recording the Mark of Cattle and Hogs, Four Pounds of Tobacco.

For Taking the Acknowlegment of Land in Court, Twelve Pounds of Tobacco.

For Recording a Conveyance for Land, *per* Side, Eight Pounds of Tobacco.

For Allowance of *Habeas Corpus*, Eight Pounds of Tobacco.

For Search every Year after the Firſt, till Five Years, Four Pounds of Tobacco *per Annum*; and for every Year above Five Years, Two Pounds of Tobacco *per Annum*.

For Criminals, for Taking every Recognizance, Fourteen Pounds of Tobacco.

For Diſcharge of Recognizance, Fourteen Pounds of Tobacco.

For *Venire facias*, or Warrant, Fifteen Pounds of Tobacco.

For every Appearance, Eight Pounds of Tobacco.

For every Reſpit or Continuance, Eight Pounds of Tobacco.

For every Order, Eight Pounds of Tobacco.

For Copy of Recognizance, Fourteen Pounds of Tobacco.

For every Indictment, *per* Side, Eight Pounds of Tobacco.

For Copy of the Panel, Four Pounds of Tobacco.

For Recording the Verdict, Eight Pounds of Tobacco.

For Entring the Judgment, Twenty eight Pounds of Tobacco.

For Execution of the Judgment, Twenty eight Pounds of Tobacco.

For Copy of Indictment, *per* Folio, as before, Eight Pounds of Tobacco.

For Filing a Plea, Eight Pounds of Tobacco; and

For Confeſſion of Indictment, Eight Pounds of Tobacco.

To the Cryer of the County Court.

FOR Swearing every Jury, Seventy two Pounds of Tobacco.

For Swearing the Bailiff, Six Pounds of Tobacco.

For every Oath, Six Pounds of Tobacco.

For Special Bail, Thirty ſix Pounds of Tobacco.

For Good Behaviour, Thirty ſix Pounds of Tobacco.

For Clearing every Priſoner by Proclamation or Acquittal, Forty Pounds of Tobacco.

AND be it further Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That the ſeveral Naval Officers, their ſufficient Deputy or Deputies belonging to the reſpective Diſtricts next adjoyning to the Towns and Ports of *Annapolis* and *Williamſtadt*, ſhall conſtantly reſide at the ſaid Ports, for giving Diſpatch to all Ships or Veſſels trading or coming into thoſe Ports.

AND it is hereby further Enacted and Declared by the Authority, Advice and Conſent aforeſaid, That the ſeveral and reſpective Naval Officers of this Province, within their ſeveral and reſpective Diſtricts, for the ſeveral Acts and Things relating to their Office, by him or them hereby enjoyned to be done, ſhall have and receive the Fees hereafter mentioned, and no more, (that is to ſay)

For Entring any Ship or Veſſel coming and trading into this Province, being under the Burthen of One hundred Tuns, the Maſter thereof ſhall pay unto that reſpective Naval Officer, with whom he ſhall enter ſuch Ship or Veſſel, as a Fee for Entring thereof, the Sum of Five Shillings, and no more, and Five Shillings more for the Clearing thereof; and

If ſuch Ship or Veſſel ſhall be above the Burthen of One hundred Tuns, the Maſter for Entry thereof ſhall pay to the ſaid Naval Officer, as a Fee, Ten Shillings, and Ten Shillings for the Clearing thereof.

And the ſaid Naval Officers are hereby obliged to enter all Ships or Veſſels of what Burthen ſoever of the Built of this Province, all whoſe Owners do actually inhabit and reſide within this Province, and are purchaſed, held, and enjoyed by ſuch Owners, for the Sum of Two Shillings and Six Pence *Sterling*, which is hereby allowed and aſcertained him as a Fee therefore; and for the Sum of Two Shillings and Six Pence ſhall clear the ſame.

AND be it further Enacted by the Authority aforeſaid, That all ſmall Boats belonging to this Province, and being under Eighteen Foot by the Keel, ſhall paſs and repaſs without any Lett, Hindrance, Moleſtation, or Seizure of the ſame (unleſs they ſhall carry and have on board them prohibited Goods, or Goods liable to pay Cuſtom to Her Majeſty, not cocquetted, or Clearing for the ſame) without being obliged to take out Permits for ſuch Paſſing or Repaſſing, as aforeſaid: And that the Maſter of all Shallops or open Boats trading within this Province, do pay to the ſeveral Naval Officers, or their Deputy or Deputies appointed for granting of Permits, the Sum of Two Shillings and Six Pence Yearly, and no more, for the granting ſuch Permits, as aforeſaid; and ſhall give good Security, to be taken by ſuch Officers aforeſaid, or their Deputy or Deputies, in Her Majeſty's Name, that he or they ſhall and will duly obſerve the Acts of Trade and Navigation, and other good Laws of this Province relating thereto.

AND be it further Enacted, That all and every Collector and Collectors of this Province ſhall have and receive ſuch Fees for Entring and Clearing ſuch Ships and Veſſels aforeſaid, as are above allowed to the Naval Officers, and no more; and that all Collectors and Naval Officers ſhall make a fair Table of their Fees, and hang it up in their Offices, under the Penalty of Fifty Pounds *Sterling*, to Her Majeſty, Her Heirs and Succeſſors, for the Support of Government, to be recovered in any Court of Record within this Province, by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoign, Protection, or Wager of Law to be allowed.

PROVIDED always, That in caſe any Perſon ſhall refuſe to pay the ſame, ſo by this Act limitted and allowed, it ſhall and may be lawful for the Chancellor, Secretary, Judge for Probat of Wills, *&c.* Surveyor General, or his Deputies, Sheriffs, Coroner, Clerk of the Council, Clerk of the Court of Appeals, the ſeveral Clerks of the County Courts, Cryer of the Provincial Court, and the ſeveral Criers of the County Courts, to recover the ſame by way

way of Execution againſt the Goods, Tobacco, or Chattels of the Perſon or Perſons ſo refuſing, and no other.

PROVIDED always, That ſuch Perſon or Perſons having no Tobacco, and that ſhall refuſe to ſhew unto ſuch Officer or Officers, as ſhall collect the ſame, ſuch Goods and Chattels, it ſhall be lawful for ſuch Officer or Officers to take the Body or Bodies of ſuch Perſon or Perſons in Execution for the ſame.

PROVIDED alſo, That no Officer or Officers in this Act particularly mentioned, and whoſe Fees are hereby ſettled and limitted, ſhall, by Virtue thereof, either have, or cauſe to be levied any Execution upon the Body, Goods, or Chattels of any Perſon or Perſons whatſoever, for any Fees in this Act limitted and contained, without delivering, or cauſing to be delivered a true and juſt Account of the Fees to them due by this Act, as aforeſaid, under the Hand or Hands of ſuch Officer or Officers, to the Perſon or Perſons to whom ſuch Fees demanded are due, as aforeſaid, Thirty Days at the leaſt before Execution levied: And in caſe any of the ſaid Officer or Officers, as aforeſaid, ſhall in any wiſe act or do contrary, directly or indirectly, to this Act, he or they ſo offending ſhall loſe and forfeit to the Party grieved Treble Damages ſuſtained, and ſhall alſo forfeit the Sum of Six thouſand Pounds of Tobacco, or Forty Pounds *Sterling*; the One Moiety thereof to our Sovereign Lady the Queen, Her Heirs and Succeſſors, for the Support of Government, to be recovered in Her Majeſty's Name, the other Moiety to the Party or Parties that ſhall ſue for the ſame, to be recovered in any Court of Record within this Province, by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoign, Protection, or Wager of Law to be allowed.

AND it is further Provided, That if any Fees for any Matter or Thing hereafter to be done, belonging to the Officers aforeſaid, by the Governor and Council ſo allowed and adjudged, and not in this Act mentioned, limitted, allowed, and adjudged, it ſhall be lawful for ſuch Officer to have ſuch Fee or Fees, as the ſaid Governor and Council for the time being, ſhall adjudge and allow of, and no more, under the Penalty aforeſaid, to be recovered as aforeſaid.

THIS Act to endure for Three Years, and to the End of the next Seſſion of Aſſembly, which ſhall firſt happen after the Three Years.

Paſs'd December *9th*, 1704. *Revis'd* May *28th*, 1715.

An Act Encouraging the making Hemp and Flax within this Province. N° 31.

THE Inhabitants of this Province being in a great Meaſure encouraged by our moſt Gracious Queen's Royal Aſſent to an Act of Parliament, made in the Third and Fourth Years of Her ſaid Majeſty's Reign, Intituled, *An Act for Encouraging the Importation of Naval Stores from Her Majeſty's Plantations in* America *to make Hemp within this Province*; and this preſent General Aſſembly being willing and deſirous, that the ſaid Encouragement ſhould not prove ineffectual, but that ſo good and great an Advantage to this Province ſhould be furthered and promoted, for further Encouragment thereof do pray, That it may be Enacted, and be it Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of Her Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That if any Perſon or Perſons, living or inhabiting within this Province, ſhall hereafter make

make by him, her, or themſelves, or by his, her, or their Servants or Workmen, upon any the Lands or Plantations within this Province, any Quantity or Quantities of Hemp or Flax, and cauſe the ſame to be Water-rotted, Bright and Clean, and made Merchantable; and that ſuch Perſon or Perſons making ſuch Hemp or Flax, be indebted to any Perſon or Perſons reſiding or trading into this Province, in any Sum or Sums of Money or Tobacco, That then ſuch Perſon or Perſons, to whom the ſame are or ſhall be due, ſhall be and are hereby obliged to take and receive of and from ſuch his, her, or their Debtor or Debtors, tendring in ſome Port or Town within this Province ſuch Hemp or Flax, Water-rotted, Bright, Clean, and made Merchantable, One Fourth Part of ſuch Debt due from ſuch Debtor or Debtors, that can and will tender and pay the ſame, after the Rate of Six Pence *per* Pound for Hemp, and Nine Pence *per* Pound for Flax, and ſo proportionable for any greater or leſſer Quantity, and according to the ſame Rate in Tobacco, at One Peny *per* Pound: And if any Creditor or Creditors ſhall refuſe to accept and take ſuch Quantity of Hemp or Flax, at the Rates aforeſaid, when to them tendred, towards Satisfaction of his Debt, and ſhall after ſuch Tender bring any Action at Law againſt the Debtor for the ſame, That then ſuch Debtor pleading a Tender of ſuch Hemp or Flax, and proving the ſame to Effect, the Plaintiff ſhall be Nonſuit, and ſhall pay Coſts to the Defendant.

Paſs'd April 19*th*, 1706. *Revis'd* May 28*th*, 1715.

No 32. *An Act declaring ſeveral Acts of Parliament made in the Kingdom of* England, *to be in Force within this Province.*

BE it Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of Her Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That the Act of Parliament, made at the Parliament begun and held at *Weſtminſter* the Nineteenth Day of *March*, in the Firſt Year of the Reign of our late Sovereign Lord King *James* the Firſt, Intituled, *An Act to reſtrain all Perſons from Marriage until their former Wives and former Husbands be dead;* and the ſeveral Penal Acts of Parliament of *England*, mentioned in the Act of Parliament made at the Parliament held at *Weſtminſter* in the Firſt Year of the Reign of our late Sovereign Lord and Lady King *William* and Queen *Mary*, Intituled, *An Act for Exempting Their Majeſties Proteſtant Subjects, Diſſenting from the Church of* England, *from the Penalties of certain Laws*, together with the ſaid laſt mentioned Act of Parliament, Exempting Their Majeſties Proteſtant Subjects, Diſſenting from the Church of *England*, from the Penalties of the ſaid Laws, and every Article, Clauſe, Matter and Thing in the ſaid Acts contained, ſhall be and are in full Force to all Intents and Purpoſes within this Province.

Paſs'd April 19*th*, 1706. *Revis'd* May 28*th*, 1715.

An

An Act for Suſpending (during the Queen's Pleaſure) the Proſecution of the Prieſts of the Romiſh Communion, incurring the Penalties of the Act to prevent the Growth of Popery in this Province, by Exerciſing their Function in a private Family of the Roman Communion, but in no other Caſe whatſoever. N° 33.

WHEREAS at a Seſſion of Aſſembly begun and held at the Town and Port of *Annapolis* the Fifth Day of *September*, in the Third Year of Her Majeſty's Reign, and in the Year of our Lord God, One thouſand ſeven hundred and four, an Act paſſed, Intituled, *An Act to prevent the Growth of Popery*; and that afterwards (*Viz.*) at a Seſſion of Aſſembly begun and held at the Town and Port aforeſaid, the Fifth Day of *December*, One thouſand ſeven hundred and four, upon due Conſideration of the ſaid Law, the Conſequences thereof, as alſo what the real Intent of the ſame was, by his Excellency the Governor of this Province, Her Majeſty's Honourable Council, and the Delegates and Repreſentatives of the People in Aſſembly, One other Act paſſed, Intituled, *An Act for Suſpending the Proſecution of any Prieſts of the Communion of the Church of* Rome, *incurring the Penalties of the ſaid former Act, by Exerciſing his Function in a private Family of the Roman Communion, but in no other Caſe whatſoever, for Eighteen Months, or until Her Majeſty's Pleaſure therein known*; which ſaid laſt Act was further Continued for Twelve Months, or Her Majeſty's Pleaſure known, by an Act to that Purpoſe made at a Seſſion of Aſſembly held at the Town and Port of *Annapolis* the Second Day of *April*, *Anno Domini*, One thouſand ſeven hundred and ſix; and both the ſaid former Acts being taken into Her Majeſty's Royal Conſideration, out of Her Gracious Tenderneſs to all Her Subjects, behaving themſelves peaceably and quietly under Her Majeſty's Government, She has been Graciouſly pleaſed, by Her Order to his Excellency the Governor of this Province, bearing Date at the Council Board at *Whitehall* the Third Day of *January*, One thouſand ſeven hundred and five, to direct that a new Law, or Clauſe of a Law, ſhould be Enacted in this Province, whereby the ſaid Act of Aſſembly, Suſpending the Execution of that Part of the ſaid firſt mentioned Law for Preventing the Growth of Popery (*Viz.*) as to the Proſecution of any Prieſt of the Communion of the Church of *Rome* incurring the Penalties of the ſaid Act, by Exerciſing their Function in a private Family of the Roman Communion, but in no other Caſe whatſoever, may be continued without any other Limitation of Time, than until Her Majeſty's further Pleaſure be declared and ſignified therein: In Obedience whereunto be it Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of Her Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That not any Popiſh Biſhop, Prieſt, or Jeſuit, ſhall, by Virtue of the ſaid Act of Aſſembly to prevent the Growth of Popery within this Province, for or by reaſon of the Exerciſing his Function in a private Family of the Roman Communion, be proſecuted or indicted before any of Her Majeſty's Juſtices impowered to hold Plea thereof within this Province, for and until Her Majeſty's Royal Will and Pleaſure ſhall be firſt ſignified therefore; Any Law, Statute, or Uſage, to the contrary notwithſtanding.

PROVIDED always, That this Act, nor any thing therein contained, ſhall be conſtrued or taken in any wiſe to extend to the Defeating, Reſcinding, Abrogating, or Suſpending the Force, Vigor, or Effect of the aforeſaid Act for Preventing the Growth of Popery, in any other Matter or Thing whatſoever, or for or during any longer Time than what is herein expreſſed and declared.

Paſs'd April 15*th*, 1707.

№ 34. *An Act requiring the Agents of the Lord* Baltemore *to certifie into the Secretary's Office the Inſtructions and Conditions of Plantations, with the Fees by them demanded; and obliging his Lordſhip's Deputy Surveyors to qualifie themſelves according to Law.*

BE it Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of Her Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That the Lord *Baltemore*'s Agents for granting Lands in this Province, on or before the Fourteenth Day of *May* next, ſhall make, certifie, and hang up in the Secretary's Office, all ſuch Inſtructions that the ſaid Officers or Agents of the ſaid Right Honourable the Lord Proprietary of this Province have from his Lordſhip, that concern the People of this Province, and all the preſent Condition or Conditions of Plantations, that all People may ſee and know by what Authority they act: And that they likewiſe prepare a Liſt of what Fees they require for ſeveral Services by them done or to be done, which Fees ſhall be conſidered of by Two of Her Majeſty's Council, and by Two or more Juſtices of the Provincial Court (which Fees the ſaid Counſellers and Juſtices may leſſen, as they ſee fit) and be allowed under the Hands of ſuch Counſellers and Juſtices; or elſe it ſhall not be lawful for ſuch his Lordſhip's Officers, Miniſters, Agents, or Clerks, to demand or receive them, but when ſuch Fees ſhall be allowed and approved on, as aforeſaid. And ſuch Officers, Agents, Miniſters, and Clerks, having made Oath of ſuch Services done, by which ſuch Fees accrue, may have their Fees levied by Way of Execution, as other Officers and Clerks have, till the next Seſſion of Aſſembly; and then ſuch Fees ſhall by the Aſſembly be allowed or denied, altered or leſſened, as the Aſſembly ſhall think fit. And if the ſaid Agents and Officers refuſe to make, hang up, and publiſh ſuch Inſtructions, Conditions, and Liſts of Fees, as aforeſaid, within the Time limited as aforeſaid, he or they ſhall forfeit to Her Majeſty, for his or their Neglect and Contempt, the Sum of Twenty Pounds *Sterling* Money; One Half to Her Majeſty for Support of Government, the other Half to him or them that will ſue for the ſame, by Action of Debt in Her Majeſty's Provincial Court, wherein no Eſſoign, Protection, or Wager of Law ſhall be allowed.

AND be it further Enacted by the Authority, Advice and Conſent aforeſaid, That if any Surveyor whatſoever, already appointed and commiſſionated, or hereafter to be appointed and commiſſionated by the ſaid Lord Proprietary, his Agents, or any other Perſon, who may be by his ſaid Lordſhip impowered ſo to do, ſhall, after the End of this preſent Seſſion of Aſſembly, preſume, by Virtue of any Warrant from his Lordſhip's Land Office, or otherwiſe, to meaſure or ſurvey any Lands for or belonging to any Perſon whatſoever, before ſuch Surveyor or Surveyors ſhall firſt duly qualifie him or themſelves, by taking the Oaths appointed by Act of Parliament, for their Fidelity to the Crown of *England*, and Maintaining the Succeſſion thereto, as by Law Eſtabliſhed, and alſo an Oath for the Faithful Execution of his or their Offices, to be adminiſtred to them in the reſpective County Courts where they ſhall officiate, or by ſome one Juſtice of the Provincial Court, ſuch Surveyor or Surveyors ſhall forfeit One hundred Pounds *Sterling* to Her Majeſty; the One Half whereof for the Support of Government, the other Half to ſuch Perſon, who ſhall inform or ſue for the ſame, to be recovered in any Court of Record within this Province, by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoign, Protection, or Wager of Law to be allowed.

THIS Act to endure for and until Her moſt Sacred Majeſty's Pleaſure ſhall further be declared in Council thereon, where the Lord *Baltemore* may be heard.

Paſs'd April 15*th*, 1707. *Revis'd* May 21*ſt*, 1715.

An Act explaining ſome doubtful Expreſſions in the Act for Limitation of Officers Fees. № 35.

WHEREAS in the ſaid Act for Limitation of Officers Fees it is expreſſed, The Secretary ſhall have for every Execution and Return, and a Blank left for the Sum, when it ought to have been expreſſed, Twenty eight Pounds of Tobacco; Be it Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of Her Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That he ſhall have

For an Execution and Return, Twenty eight Pounds of Tobacco, and

For any Matter entred upon Record (not exceeding Half a Side) Eight Pounds of Tobacco, and

For every Continuance in Chancery, Sixteen Pounds of Tobacco.

AND be it Enacted, That ſuch Fees in the ſeveral Caſes aforeſaid, as were appointed by his Excellency the Governor in Council to be paid to the Secretary until this preſent Seſſion of Aſſembly, ſhall be ſatisfied and paid to the Secretary by the Perſons from whom the ſame are due; and on Nonpayment thereof it ſhall be lawful to levy the ſame by way of Execution.

THIS Act to endure ſo long as the ſaid Act for Limitation of Officers Fees ſhall be in Force, and no longer.

Paſs'd April 15*th*, 1707. *Revis'd* May 21*ſt*, 1715.

An Act againſt Forging and Counterfeiting of Foreign Coins, Gold or Silver. № 36.

FORASMUCH as divers Evil-diſpoſed Perſons have of late forged and counterfeited ſeveral Foreign Coins, commonly received amongſt Her Majeſty's Subjects of this Province for Current in Payment, to the great Damage of Her Majeſty's ſaid Subjects, being thereunto encouraged for that there has not heretofore been any condign Puniſhment by Law provided for ſuch Offenders: Wherefore, and in order to deter ſuch like Offenders for the future from ſuch Evil and Pernicious Practices, Be it Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of Her Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That if any Perſon or Perſons, after the Publication of this Act, falſly forge, counterfeit, or clip any ſuch kind of Coin of Gold or Silver, as is not the proper Coin of the Kingdom of *England*, or ſhall aid, aſſiſt, or abet any Offender or Offenders doing the ſame, either by Concealing them, or by any other Ways

or

or Means countenance ſuch Offenders in their ſaid Offences, every ſuch Offender, his Aiders, Abettors, and Countenancers therein, for the Firſt Offence, ſhall be whipped, pilloried, and cropt in both Ears; and for the Second Offence ſhall be branded in the Cheek, and baniſhed, upon due Conviction in any of Her Majeſty's Courts of Record within this Province.

Paſs'd April 15*th*, 1707. *Revis'd* May 21*ſt*, 1715.

No. 37. ***An Act for preventing the Exportation of Tobacco out of this Province by Land, before the Duties payable be paid or well ſecured to the ſeveral Officers appointed, or to be appointed for Receiving the ſame.***

WHEREAS for ſome Years paſt it has been a frequent Practice by ſeveral Merchants and other Inhabitants, as well of this Province, as of the Province of *Penſilvania*, and the Territories thereunto belonging, to export by Land from the upper Parts of this Province into *Penſilvania*, and the Territories thereof, great Quantities of Tobacco, without Paying, or Securing to be paid, the Duties and Cuſtoms due thereon by the Statutes of *England* and the Laws of this Province, to the great Prejudice of Her Majeſty and the ſeveral Perſons intereſted in the ſaid Duties, and the Trade of this Province: For Prevention whereof for the future, Be it Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of Her Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That from and after the Publication hereof, all Planters, Merchants, Factors, and others, having Property for Diſpoſal of any Tobaccoes in the upper Parts of this Province, and who ſhall permit, ſuffer, or connive at Carrying the ſame out of their Houſes, Cuſtody, or Poſſeſſion, in Order to be rolled or carted over Land into the Province of *Penſilvania*, or Territories thereunto belonging, before ſuch Perſon intending to carry away the ſame, produce unto ſuch Planter, Factor, or Merchant, having the Property or Diſpoſal thereof, an authentick Certificate under the Hand and Seal of the Officer or Officers of the Diſtrict, importing the Place where the Tobacco lies, and of whom the ſame was bought, and that all the Duties payable upon the Exportation of Tobacco out of one Plantation into another, are anſwered unto ſuch Officer or Officers, ſuch Perſon ſo permitting, ſuffering, or conniving at the Carting or Rolling ſuch Tobacco, and the Owner, Purchaſer, Perſon Rolling or Carting, and their Aſſiſters and Abettors, or any of them, ſhall, for every Hogſhead, or for every Four hundred Pounds of Tobacco, ſo carried, or deſigned to be carried, as aforeſaid, and *pro rato*, for a greater or leſſer Quantity, forfeit the Sum of Ten Pounds *Sterling*; One Half thereof to him, her, or thoſe, that ſhall inform or ſue for the ſame, the other Half to Her Majeſty for Support of Government, and to be recovered in any of the Courts of Record within this Province having Juriſdiction of the Sum forfeited, by Bill, Plaint, Action of Debt, or Information, wherein no Eſſoign, Protection, or Wager of Law to be allowed.

Paſs'd April 15*th*, 1707. *Revis'd* May 21*ſt*, 1715.

An

An Act for Settling the Rates of Foreign Silver Coins within this Province. N° 38.

WHEREAS Her Majeſty having had under Conſideration the different Rates, at which ſeveral Species of Foreign Coins do paſs in Her ſeveral Plantations, and the Inconveniencies thereof by the indirect Practice of Drawing the Money from one Plantation to another, did iſſue Her Royal Proclamation, bearing Date the Eighteenth Day of *June*, One thouſand ſeven hundred and four, for Settling and Aſcertaining the Current Rates of Foreign Coins in Her ſaid Plantations at Rates therein limited; and it being obſerved that the ſaid Proclamation did not procure the deſired Effect, it was, in the Sixth Year of Her preſent Majeſty's Reign, by the Parliament of *England*, Enacted in an Act, Intituled, *An Act Aſcertaining the Rates of Foreign Coins in Her Majeſty's Plantations in* America, That no Perſon, after the Firſt Day of *May*, which ſhall be in the Year of our Lord, One thouſand ſeven hundred and nine, account, receive, or pay any the ſeveral Species of Foreign Silver Coin, mentioned in the ſaid Proclamation, at any greater Rate than at which the ſame is thereby ſettled, without being ſubject to the Pains and Penalties therein mentioned: By which it is conceived that Her Gracious Majeſty is deſirous to reſtrain our Neighbouring Plantations under Proprietors from taking ſuch Advantages, as they have hitherto practiſed againſt us under Her immediate Commiſſion and Government, in reſtraining them from advancing the Rates of Silver Coin higher than in the ſaid Proclamation is allowed, and allowing us to come up to the ſaid Rates; It is humbly prayed that it may be Enacted; and be it Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of Her Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That from and after the Firſt Day of *May*, which ſhall be in the Year of our Lord; One thouſand ſeven hundred and nine, the ſeveral Species of Foreign Silver Coin, mentioned in the ſaid Proclamation, ſhall paſs and be Current in this Province at the Rates therein mentioned; (that is to ſay) a Piece of Eight of *Sevill*, *Pillar*, and *Mexico*, weighing Seventeen Peny Half-peny Weight, and of Four Shillings and Six Pence intrinſick Value, ſhall paſs Current at Six Shillings: And all other Foreign Coins ſhall paſs proportionably thereto, according to their Weight and Fineneſs, as by the Table hereunto added is ſet forth, for the Diſcharge of any Contracts or Bargains made after the ſaid Firſt Day of *May*, One thouſand ſeven hundred and nine; and likewiſe ſhall paſs in Payments of all Duties and Impoſitions, which are for the Defraying the Charges of this Province, and all Officers Fees, which by the Laws are rated in Money.

AND in regard there is at preſent little other Money in this Province, than the Dollars, commonly called Dog-Dollars, and they being near ſuch Weight and Fineneſs, as that they would, by the forementioned Proportion, paſs at Four Shillings and Six Pence; and the ſaid Inhabitants of this Province being not ſo well acquainted with other Foreign Coins, nor at preſent provided with Weights and Scales; It is humbly prayed that it may be Enacted; and be it further Enacted by the Authority aforeſaid, That the ſaid Dog-Dollars be Current in all Payments, as aforeſaid, at Four Shillings and Six Pence, as uſual, until ſuch Time as Her Majeſty, Her Heirs or Succeſſors, or the General Aſſembly of this Province, ſhall otherwiſe ordain and enact.

The Table beforementioned.

SEVILL, *Pillar*, and *Mexico* Pieces of Eight, being Seventeen Peny-weight, Twelve Grains, and Four Shillings and Six Pence intrinſick Value, to paſs at Six Shillings.

Sevill Pieces of Eight, New Plate, and Fourteen Peny-weight, and Three Shillings, Seven Pence intrinſick Value, to paſs at Four Shillings and Nine Pence.

Peru Pieces of Eight, Seventeen Peny-weight, Twelve Grains, and Four Shillings, Five Pence intrinſick Value, to paſs at Five Shillings and Ten Pence.

Croſs Dollars, Eighteen Peny-weight, Four Grains, and Four Shillings and Four Pence Three Farthings intrinſick Value, to paſs at Five Shillings and Ten Pence.

Ducatoons of *Flanders*, Twenty Peny-weight, Twenty one Grains, Five Shillings and Six Pence intrinſick Value, to paſs at Seven Shillings and Four Pence.

Ecu's of *France*, or Silver *Lewis*, Seventeen Peny-weight, Twelve Grains, Four Shillings and Six Pence intrinſick Value, to paſs at Six Shillings.

Cruſadoes of *Portugal*, Eleven Peny-weight, Four Grains, Two Shillings, Ten Pence intrinſick Value, to paſs at Three Shillings and Nine Pence.

Three Gilder Pieces of *Holland*, Twenty Peny-weight, Seven Grains, Five Shillings, Two Pence intrinſick Value, to paſs at Six Shillings and Eleven Pence.

Old Rix Dollars of the Empire, Eighteen Peny-weight, Ten Grains, Four Shillings and Six Pence intrinſick Value, to paſs at Six Shillings.

The Halfs, Quarters and other Parts in Proportion to the Denominations, and Light Pieces in Proportion to their Weight.

And the Currency of all other Silver Coins of the ſame or baſer Alloy, ſhall, after the ſaid Firſt Day of *May*, ſtand regulated according to their Weight and Fineneſs, according and in Proportion to the Rate before limited and ſet for Pieces of Eight of *Sevill*, *Pillar*, and *Mexico*.

Paſs'd December 17*th*, 1708. *Revis'd* May 28*th*, 1715.

No 39. *An Act confirming and explaining the Charter to the City of* Annapolis.

WHEREAS this preſent General Aſſembly have taken into their Conſideration the Charter lately granted to the City of *Annapolis*, and being deſirous to give all due Encouragement to Cohabitation, have reſolved to confirm the ſame Charter, and to explain and reſtrain ſome Clauſes and Grants therein contained, they humbly pray that it may be Enacted; and it is hereby Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of Her Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That the ſaid Charter to the City of *Annapolis*, bearing Date at the ſaid City the Twenty ſecond Day of *November*, *Anno* One thouſand ſeven hundred and eight, in the Seventh Year of Her Majeſty's Reign, ſealed with the Great Seal of this Her Majeſty's Province, and ſigned with the Sign Manual of His Excellency *John Seymour* Eſq; Captain General and Governor in Chief thereof, Incorporating the Inhabitants of *Annapolis* into a City and Body Corporate; and the ſeveral Articles, Clauſes, Grants, Powers, Authorities, and Privileges, therein contained, ſhall, by Virtue of this Act, be held,

held, taken, ſtand, remain, and be firm and valid to all Intents and Purpoſes whatſoever, within the ſame Charter mentioned and expreſſed: Subject nevertheleſs to the ſeveral Reſtrictions and Explanations herein ſpecified and declared (that is to ſay) That it ſhall in no wiſe be intended, conſtrued, meant, or taken, to infringe the Liberties and Privileges of the Publick, either in regard to the Publick Lands and Buildings by them heretofore purchaſed and built; but that the ſame ſhall be reſerved and continued for ever, to the Uſes and Purpoſes to which they have already been allotted: And that all and every the Judges and Juſtices of the ſeveral Courts of Judicature, who have uſually held their Courts within the ſame City, in the Publick Court-Houſe thereof, ſhall and may continue ſo to do: And the Juſtices, Commiſſioners, and Sheriff of *Annarundell* County ſhall have, hold, and exerciſe their Juriſdiction, in as full and ample Manner, to all Intents and Purpoſes in the Port of *Annapolis*, as heretofore had been uſual.

And be it further Enacted and Declared, That the By-Laws to be made by the ſaid Corporation, ſhall not affect, or be binding to any other the Inhabitants of this Province, but wholly reſtrained to the Inhabitants and Reſidents of the ſaid City; and that the Clauſe in the ſaid Charter, impowering the Corporation to ſet Toll on Horſes, Cattle, and other Commodities, to be ſold on the Two Fair Days, on the Firſt of *May*, and of St. *Michael* the Archangel, Yearly, ſhall not in any wiſe enure, be conſtrued, or extended, to impowering the Corporation to aſſeſs any Toll or Impoſt upon Cattle, Goods, Wares, or Merchandizes whatſoever, to be ſold therein, if the Goods, Wares, or Merchandizes, ſhould not amount to the Value of Twenty Shillings Current Money; but if it exceed Twenty Shillings Value, and not above Five Pounds Current Money, then the Sum of Six Pence ſhall be paid for the Fee or Toll thereof; and for all Goods, *&c.* exceeding in Value Five Pounds Current Money, then it ſhall be lawful to aſſeſs the Sum of Twelve Pence Current Money, for the Fee or Toll thereof, and no more.

And whereas the Citizens and Burgeſſes of the ſeveral Boroughs in *England*, have formerly been allowed but Half Wages in reſpect to the Salaries of the Knights of the Shires; Be it therefore further Enacted, That the Citizens repreſenting the City of *Annapolis*, ſhall only be allowed Half the Wages of the Delegates and Repreſentatives, as is and ſhall be allowed to the Delegates of the ſeveral Counties of this Province, and no more.

And whereas *Wornel Hunt* Eſq; the preſent Recorder of the ſaid City, is not yet qualified for that Truſt, by reaſon he hath not been Reſident in this Province durmg the Term of Three Years; Nevertheleſs the ſaid *Wornel Hunt*, by Virtue of this Act, ſhall be deemed, and is hereby qualified and enabled to hold and execute the ſaid Office of Recorder of the City aforeſaid; Any Law, Statute, Uſage, or Cuſtom, to the contrary in any wiſe notwithſtanding.

And be it Enacted by the Advice and Conſent aforeſaid, That the Land, called *The Town Common*, be reſerved and remain to the Uſe of the proper Owner or Owners, unleſs the Citizens can make it appear to have made Satisfaction for the ſame the next Seſſion of Aſſembly.

Paſs'd December 17*th*, 1708. *Revis'd* May 30*th*, 1715.

An

№ 40. ***An Act to impower Commiſſioners to appoint, and cauſe to be laid out Three thouſand Acres of Land on*** Broad Creek ***in*** Somerſet ***County, for the Uſe of the*** Nanticoke Indians, ***ſo long as they ſhall occupy the ſame.***

WHEREAS it is repreſented to this preſent General Aſſembly, that the Land, formerly laid out for the Uſe of the *Nanticoke Indians*, is now much worn out, and not ſufficient for them, and that it is thought adviſeable that ſome further Proviſion be made for them; Be it Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of Her Majeſty's Preſident, Council, and Aſſembly of this Province, and the Authority of the ſame, That Lieutenant Colonel *George Gale*, Mr. *Samuel Worthington*, Captain *Charles Ballard*, and Mr. *Benjamin Wales*, are hereby appointed Commiſſioners to cauſe Three thouſand Acres of Land to be laid out where the ſaid *Indians* are now ſettled in *Somerſet* County on *Broad Creek*, in *Nanticoke* River, and the ſame to appoint to the Uſe of the ſaid *Indians*, for ſo long as they ſhall occupy the ſame; and further to cauſe ſuch Land to be valued in ſuch Manner, as is hereafter expreſſed (that is to ſay) The ſaid Commiſſioners, or any Three of them, ſhall, ſometime before the Twenty fifth Day of *March* next, meet together, and make out their Warrant to the Sheriff of *Somerſet* County, which ſaid Sheriff is hereby required, upon Receipt of ſuch Warrant, to impanel and return a Jury of the moſt Subſtantial Freeholders of the ſaid County, to be and appear before the ſaid Commiſſioners upon the ſaid Land, at the Time in ſuch Warrant appointed; which Jury, upon their Oaths to be to them adminiſtred by the ſaid Commiſſioners, or any Three of them, ſhall enquire, aſſeſs, and return what Damages and Recompence they ſhall think fit to be awarded to the Owners of ſuch Land, and all Perſons intereſted therein, according to their ſeveral and reſpectiv e Intereſts; and what Sums of Tobacco the ſaid Jury ſhall adjudge the ſaid Land to be worth, ſhall be paid to the Owners, and all Perſons intereſted therein, by the Publick of this Province.

AND to the End that the Bounds of the ſaid Land may be aſcertained, and the Commiſſioners aforeſaid and Jury the better enabled to judge of the true Value thereof, the ſaid Commiſſioners are hereby impowered to employ the Surveyor of the County aforeſaid, or ſome other Skilful Perſon in their Preſence, to ſurvey, lay out, and bound the ſame, which ſaid Lines, as aforeſaid, laid out, ſhall be marked on Trees, or other Land-Marks, to perpetuate the Bounds thereof. The ſaid Commiſſioners to return fair Certificates of their Proceedings to the Clerks of the Provincial Court, and *Somerſet* County Court for the time being, to be by them recorded in the ſaid reſpective Courts.

AND be it Enacted by the Authority aforeſaid, That when ſuch Land is laid out, and paid for by the Publick, as aforeſaid, the Property thereof ſhall, by Virtue of this Act, be veſted in the Honourable Colonel *Thomas Ennalls* and Lieutenant Colonel *George Gale*, and their Heirs, to and for the Uſe of the ſaid *Indians*, ſo long as they ſhall occupy the ſame, and afterwards ſhall be diſpoſed of, as the General Aſſembly of this Province ſhall direct; and that ſuch Laying out, and Payment, as aforeſaid, and this Act, ſhall for ever bar the Heir or Heirs at Law, or his or their Aſſigns, or any other Perſons whatſoever, of the Reverſion or Remainder, Right, Claim, or Demand whatſoever, of, in, or to the ſaid Land, or any Part or Parcel thereof; Any Law, Statute, Uſage, or Cuſtom to the contrary notwithſtanding.

Paſs'd November 3*d*, 1711. *Revis'd* May 28*th*, 1715.

An

An Act Reſtraining Victuallers and Keepers of Publick Houſes from Entertaining Sailors, to the Prejudice of Trade and Commerce. № 41.

WHEREAS the Maſters and Commanders of the ſeveral Merchant Ships trading into this Province, and the ſeveral Merchants and Traders therein, have repreſented unto this General Aſſembly, That ſeveral Perſons keeping Victualling Houſes, or Publick Houſes of Entertainment, for Lucre and Gain, do make it their Practice to draw in and entertain the Seamen belonging to the ſeveral Ships, and give them too great Credit, not only to the Ruin of them, their Wives and Children, but alſo to the Hindrance of the Ships Loading, whereby the Charges of the Ships are greatly augmented, and Trade in general delayed and diſcouraged; For the Prevention whereof, Be it Enacted, by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of Her Majeſty's Preſident, Council, and Aſſembly of this Province, and the Authority of the ſame, That if any Victualler or Keeper of any Publick Houſe within this Province, ſhall, after the Firſt Day of *January* next, truſt any Seafaring Man, Sailor or Seaman, not being an Inhabitant of this Province, and generally reſiding in the ſame, for any Sum or Sums of Money above the Value of Five Shillings, in any Voyage, without Leave or Licence from the Commander of the Ship or Veſſel, to which he belongs, upon Pain of loſing their Debt. And if ſuch Victualler, or other Perſon keeping a Publick Houſe, ſhall take any Bond, Bill, Note, or Bill of Exchange, or any other Specialty or Obligation, for any Debt contracted by any Sailor or Seaman belonging to any Ship or Veſſel, and not being an Inhabitant, as aforeſaid, ſuch Bond, Bill, Note, or Bill of Exchange, or other Specialty or Obligation, ſhall be Void and of no Effect.

AND be it further Enacted by the Authority, Advice and Conſent aforeſaid, That if any Victualler or Keeper of any Publick Houſe, as aforeſaid, ſhall entertain or harbour any Sailor or Seaman, without Licence from the Maſter or Commander of the Ship or Veſſel to which he belongs, to the Delay and Hindrance of the Buſineſs of ſuch Ship or Veſſel, or the Commander thereof, ſuch Victualler or Keeper of a Publick Houſe, or Houſe of Entertainment, ſhall be liable to, and incur the Pains and Penalties in the Act of Aſſembly of this Province inflicted on ſuch as entertain and deal with Servants; Any Law, Statute, Uſage, or Cuſtom to the contrary notwithſtanding.

PROVIDED, That this Act, or any thing therein contained, ſhall not extend to the Maſter or Chief Mate of any Ship or Veſſel.

Paſs'd November 15*th*, 1712. *Revis'd* June 3*d*, 1715.

N° 42. *An Act Prohibiting the Exportation of the Hides of Neat Cattle, (whether tanned or untanned) and Old Iron, out of this Province.*

BE it Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of Her Majeſty's Preſident, Council, and Aſſembly of this Province, and the Authority of the ſame, That if any Perſon or Perſons whatſoever, from and after the Firſt Day of *December* now next enſuing, ſhall carry and tranſport, or cauſe or endeavour to be carried and tranſported out of this Province, by Land or Water, to any other of Her Majeſty's Plantations, any Skins or Hides of any Neat Cattle, tanned or untanned, or any Old Iron whatſoever, it ſhall and may be lawful for any Officer of Her Majeſty's Cuſtoms to make Seizure thereof: And the Maſter, Merchant, or Owner, of any Ship or Veſſel, or other Perſon, being convict of Shipping or Lading on board any Ship or Veſſel, or Tranſporting by Land, out of this Province, any ſuch Hides, or Old Iron, as aforeſaid, ſhall not only forfeit the ſame, but alſo the Sum of Fifty Pounds, current Money of this Province, to Her moſt Sacred Majeſty, Her Heirs and Succeſſors; the One Half thereof towards the Defraying the Publick Charge of this Province, and the other Half to ſuch Perſon or Perſons as ſhall inform or ſue for the ſame, to be recovered in any Court within this Province by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoign, Protection, or Wager of Law ſhall be allowed.

AND for the better Publication of this Act, Be it likewiſe Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That every Naval Officer and Collector within this Province, ſhall procure a fair Copy of this Act, to be put up at the moſt Publick Place within their reſpective Offices, before or at the aforeſaid Firſt Day of *December* at fartheſt: And the ſaid Naval Officers, Collectors, or other Cuſtom-houſe Officers of Her Majeſty's Cuſtoms, are hereby required to have a ſtrict Regard to the due Execution of this Act; and ſo far as in them lies, to detect and proſecute, or cauſe to be detected and proſecuted, all Offenders againſt the Tenor thereof.

Paſs'd November 15*th*, 1712. *Revis'd* May 30*th*, 1715.

N° 43. *An Act againſt Striking ſundry ſorts of Fiſh within the Precincts of this Province.*

WHEREAS the frequent Striking of Fiſh within the Precincts of this Province, has been repreſented to this preſent General Aſſembly, as a great Evil to the Inhabitants thereof, in the Deſtruction of their Fiſhery; Be it therefore Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of Her Majeſty's Preſident, Council, and Aſſembly of this Province, and the Authority of the ſame, That no Perſon whatſoever ſhall hereafter ſtrike or ſhoot any Fiſh within the Precincts aforeſaid, with Gigs, Arrows, or any other Striking Inſtruments, nor ſhall preſume to go out upon the Water in Canoes, Boats, or other Veſſels fit for that Purpoſe, in the Night-time, provided with Lights, or other Utenſils for Striking, upon the Penalties hereafter mentioned (that is to ſay) For every Night that any Perſon ſhall go out

out upon the Water in ſuch Veſſel, as aforeſaid, provided as aforeſaid, ſuch Perſon ſhall be fined the Sum of Two hundred Pounds of Tobacco; and alſo every Perſon, that ſhall ſtrike any Fiſh, as aforeſaid, whether by Day or Night, the Sum of One hundred Pounds of Tobacco for every Fiſh ſo ſtruck; One Half of each of which ſaid Fines to be paid to the Informer, and the other Half to our Sovereign Lady the Queen, Her Heirs or Succeſſors, to be employed by the Juſtices of the County, where the Offender lives, towards the Defraying the Charge of ſuch County; ſuch Fact or Facts to be proved by the Oath of One ſufficient Witneſs, beſides the Informer, before One or more Juſtice or Juſtices of the Peace, who upon Complaint thereof made, ſhall iſſue out his Warrant to the Conſtable of the Hundred, or to ſuch other Perſon or Perſons, as ſuch Juſtice or Juſtices ſhall think fit, to bring before him or them the Perſon or Perſons againſt whom ſuch Complaint ſhall be made, and the Witneſs or Witneſſes, which the Complainant ſhall name; which Juſtice or Juſtices ſhall have full Authority, by Virtue of this Act, to hear and determine the Matter; and upon ſuch Proof the Juſtice or Juſtices ſhall iſſue his or their Warrant to the Sheriff of ſuch County, to levy the ſame Fines by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons having ſo offended; and in Default of Goods or Chattels, to be ſhewn by ſuch Offender or Offenders to ſuch Sheriff, that then ſuch Sheriff ſhall be, and is hereby impowered to levy the ſame upon the Body or Bodies of him or them, and ſhall, on Receipt of ſuch Fines, forthwith pay One Half of ſuch Fine to the Informer, and render an Account of the other Half to the Juſtices of ſuch County, at the Time of the Laying the then next Levy for ſuch County, to be applied towards the Defraying the ſame County Charge, as aforeſaid.

PROVIDED nevertheleſs, That in caſe any Servant, or Slave, ſhall be accuſed of any Fact prohibited by this Law, and that it ſhall appear to the Juſtice or Juſtices, before whom ſuch Accuſation ſhall be made or examined, that ſuch Servant, or Slave, is Guilty of the Fact, whereof he or ſhe ſhall be ſo accuſed, but that ſuch Fact was committed by the Direction, Order, or Approbation of the Maſter, Miſtreſs, Dame, or Overſeer of ſuch Servant, or Slave; that then ſuch Maſter, Miſtreſs, Dame, or Overſeer, ſhall, upon Conviction of ſuch Directions, Order, or Approbation, as aforeſaid, in Manner above preſcribed, be liable to the ſame Forfeitures, as if ſuch Fact had been perſonally committed by the Perſon ſo Directing, Ordering, or Approving the ſame: But if ſuch Fact ſhall appear to ſuch Juſtice or Juſtices, as aforeſaid, to have been voluntarily committed by ſuch Servant, or Slave, without any ſuch Directions, Order, or Approbation, as aforeſaid, that then ſuch Servant, or Slave, being convict thereof in Manner aforeſaid, ſhall, in Default of the Payment of the Fine or Fines, as above by this Act impoſed, forthwith ſuffer Corporal Puniſhment, by being whipt with ſo many Stripes on his or their bare Back, as to the Juſtice or Juſtices, before whom ſuch Conviction ſhall happen, ſhall ſeem meet, not exceeding Thirty nine.

PROVIDED nevertheleſs, That this Act, or any thing therein contained, ſhall not extend, or be conſtrued to extend, to hinder or debar any Perſons whatſoever, from Striking Whales, Sharks, Porpoiſes, Sturgeon, Stingraes, Skates, or Garfiſh, in the Day-time, within the Precincts aforeſaid, nor any other ſort of Fiſh, at any Time, upon the Sea-ſide.

Paſs'd November 15*th*, 1712. *Revis'd* May 21*ſt*, 1715.

An

№ 44. *An Act for Killing of Wolves, Crows, and Squirrels.*

BE it Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of Her Majeſty's Preſident, Council, and Aſſembly of this Province, and the Authority of the ſame, That hereafter, for the Encouragement of the Inhabitants of this Province, Her Majeſty's Subjects, their Servants, and Slaves, to take ſome Pains, and make it their Buſineſs to deſtroy Wolves, that the Sum of Three hundred Pounds of Tobacco be allowed to every ſuch Inhabitant, that ſhall bring a Wolf's Head to any Juſtice of Peace in that County-Levy where the Wolf was killed: And the Juſtice of Peace ſhall cauſe the Tongue to be cut out, that it may not be preſented again. And if an *Indian* brings a Wolf's Head to any Juſtice of Peace, he ſhall have for his Satisfaction, Three hundred Pounds of Tobacco, which ſhall be ſatisfied out of the County Levy where the Wolf was killed: And every Juſtice of Peace is required to make the Encouragement allowed the *Indians* as effectual as he can.

AND be it further Enacted by the Authority, Advice and Conſent aforeſaid, That every Perſon that ſhall bring, or cauſe to be brought to any Juſtice of the Peace, in any County within this Province, the Head of a Crow, with a perfect Bill, ſhall be allowed from the County, where any ſuch Crows were killed, the Sum of Six Pounds of Tobacco; and the Juſtice of Peace, before whom ſuch Crow's Head ſhall be brought, ſhall cauſe the Bill to be cut off to prevent the Deceit of Twice, or oftner, Paying therefore; and ſhall give to the Perſon bringing the ſame a Receipt therefore, which Receipt ſhall be ſufficient Authority for the Perſon claiming thereby, to demand, at the next Levy Court, ſo much Tobacco, as the Crows Heads amount to at the Rate aforeſaid.

AND be it further Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That any Perſon, that ſhall kill any Squirrel or Squirrels, after the End of this Seſſion of Aſſembly, ſhall, upon the producing the Head or Heads of ſuch Squirrel or Squirrels to a Juſtice of Peace in the County where ſuch Squirrel or Squirrels ſhall be killed, and producing a Certificate thereof from ſuch Juſtice, be allowed for killing every ſuch Squirrel, the Sum of Four Pounds of Tobacco, in the County Levy, that ſhall be laid for ſuch County after the Date of ſuch Certificate; and that the Juſtice, that ſhall give ſuch Certificate, ſhall, immediately upon giving the ſame, cut the Ears from off each Squirrel's Head, that ſhall be ſo produced to him, to prevent double Allowance for one and the ſame Head. The Tobacco ariſing due for the ſeveral Services aforementioned, to be raiſed and aſſeſſed upon the Inhabitants of the County, where ſuch Services ſhall be done, by the Juſtices thereof, at the Time of the Laying the County Levy, and by them to be ordered to whom due.

AND be it further Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That One Act of Aſſembly of this Province, made at a General Aſſembly held at the City of *Annapolis* the Twenty eighth Day of *October*, in the Year of our Lord, Seventeen hundred and twelve, Intituled, *An Act for Killing Squirrels*, and every Article, Matter, Clauſe, and Thing therein contained, ſhall be, and is hereby utterly Repealed and made Void.

Paſs'd November 14*th*, 1713. *Revis'd* May 30*th*, 1715.

An

An Act impowering the Juſtices of the ſeveral County Courts within this Province, to regulate the Bounds of the ſeveral Pariſhes within their reſpective Counties, when diſputable; and for aſcertaining the Time and Manner when and how the Forty Pounds of Tobacco, per *Poll, ſhall become due and payable to the Miniſter or Incumbent of each Pariſh.*

№ 45.

FORASMUCH as it hath been repreſented to this General Aſſembly, That, for want of due Care in the Firſt Diviſion of the ſeveral Pariſhes within this Province, the Bounds of many of the ſaid Pariſhes remain very uncertain and diſputable, which heretofore hath been, and hereafter may be the Occaſion of many Debates and Controverſies, as well between the ſeveral Incumbents, as the Veſtries of ſuch Pariſhes; For the Prevention whereof for the future, Be it Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of Her Majeſty's Preſident, Council, and Aſſembly of this Province, and the Authority of the ſame, That, from and after the End of this preſent Seſſion of Aſſembly, it ſhall and may be lawful for the Juſtices of the ſeveral County Courts within this Province, or the major part of them, where the Bounds of any Pariſh or Pariſhes within their reſpective Counties are uncertain, or ambiguouſly expreſſed, to aſcertain and regulate them for the future; and after having ſo done, to cauſe their Proceedings therein to be entred in the Records of their County Courts, there to remain for the Satisfaction of thoſe, that at any Time hereafter ſhall have Occaſion to have Recourſe thereunto.

AND whereas ſome Pariſhes are ſo divided, as that they are partly contained in Two Counties; Be it therefore Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That in every ſuch Caſe the Juſtices of that County Court, wherein the diſputable Bounds of ſuch Pariſhes contained, or the major Part of them, ſhall determine the ſame, and cauſe ſuch their Determination to be entred in the Records of their County Court, as aforeſaid.

AND whereas it appears to this General Aſſembly, that there is not as yet any Proviſion made by any Law of this Province, when, or after what Manner, the Forty Pounds of Tobacco, *per* Poll, ſhall become due and payable to the Miniſters or Incumbents of the ſeveral Pariſhes within this Province, which heretofore hath been the Occaſion of many Diſputes; Be it therefore Enacted by the Authority, Advice and Conſent aforeſaid, That when any Miniſter ſhall, at any time hereafter, be lawfully admitted or inducted into any Pariſh within this Province, he ſhall not, by Virtue of ſuch his Admiſſion or Induction, have, demand, or receive, from the Veſtry of ſuch Pariſh, the whole Forty Pounds of Tobacco, *per* Poll, for that Year, in which he is admitted or inducted, but only ſuch proportionable Part of the ſame, as ſhall be found to be his Due, computing the Time from the Day of his Induction to the Time of laying the next Levy for the County in which his Pariſh lies. And when it ſhall ſo happen that any Miniſter or Incumbent, who hath been a Reſident in any Pariſh within this Province, ſhall die, or remove out of his Pariſh, then, and in ſuch Caſes, the Veſtry of that Pariſh, wherein he was incumbent, ſhall, at the Time of the laying the next Levy for their County, pay to ſuch Miniſter, if he be alive, or to his Executors or Adminiſtrators, if he be dead, ſuch proportionable Part of the Forty Pounds of Tobacco, *per* Poll, as ſhall be due to him for ſuch Part of the Year as he continued in the ſaid Pariſh, computing the ſame from the Time of the laying the laſt Levy for the ſaid County, until the Time of ſuch

his Death or Removal. And if any Miniſter or Incumbent, that ſhall at any Time hereafter be admitted or inducted into any Pariſh within this Province, ſhall die or remove again out of the ſame, before any Levy be laid in that County, where the ſaid Pariſh lies, then the Veſtry of the ſaid Pariſh ſhall, at the Time of the laying the next Levy in their County, pay to ſuch Miniſter, if he be alive, to his Executors or Adminiſtrators, if he be dead, ſo much of the Forty Pounds of Tobacco, *per* Poll, as ſhall be due to him, computing the ſame from the Time of his Admiſſion or Induction, to the Time of his Death or Removal, and no more; Any Law, Statute, or Cuſtom to the contrary notwithſtanding.

Paſs'd November 14*th*, 1713. *Revis'd* May 30*th*, 1715.

№ 46. *An Act to reſtrain the ill Practice uſed by Sheriffs in taking Goods by* Fieri facias, *and ſelling them by* Venditioni exponas.

WHEREAS many the good People of this Province have of late been greatly damnified and abuſed in their Eſtates by Sheriffs, who, upon Receipt of any *Fieri facias*, or Attachment iſſued out of the Courts of this Province, take, by Virtue of ſuch Writs, great Quantities of Goods, more than will ſatisfie the Debt, Damages and Coſt in ſuch Writs mentioned, and keep them a long Time in their Cuſtody, under pretence of want of Buyers; whereupon it often happens, upon the Return of the ſaid Sheriffs, that Writs of *Venditioni exponas* are iſſued, commanding them to put the ſaid Goods to Sale, which for the moſt part hath been done privately, and Goods of great Value have not been ſold for the Tenth Part of their Value, to the great Loſs of both the Debtor and Creditor, and to the Ruin of ſome Families; For the Prevention whereof for the future, and to aſcertain a Way and Method whereby the Sheriffs of this Province may ſecurely act in Writs of the like Nature, more to the Benefit and Advantage of both Debtor and Creditor, Be it Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of the Preſident, Council, and Aſſembly of this Province, and the Authority of the ſame, That from and after the End of this preſent Seſſion of Aſſembly if any Writ of *Fieri facias* ſhall be delivered to any Sheriff of this Province, if the Defendant, where the Judgment is againſt him for his proper Debt or Coſt, will upon Oath ſhew all his Perſonal Eſtate, or (where Judgment is rendred againſt him as an Executor or Adminiſtrator) ſhew all the Perſonal Eſtate of the Deceaſed, in his Hands unadminiſtred, to the Sheriff or his Deputy, ſo that the Sheriff may levy ſuch Part thereof, as the Creditor or Plaintiff, or his Attorney in Fact or in Law, ſhall direct, ſuch Sheriff ſhall, within Three Days at fartheſt, cauſe ſuch Goods ſo taken to be appraiſed by Four ſubſtantial Freeholders of his County, Two of them to be named by the Plaintiff, or his Attorney at Law or in Fact, and Two by the Defendant, and who are neither of Kin to the Plaintiff or Defendant, Creditor or Debtor; who, upon their Oaths to be adminiſtred to them by the ſaid Sheriff, ſhall indifferently and juſtly value and appraiſe the ſaid Goods and Chattels ſo taken in Execution: And the Sheriff thereupon ſhall give Notice to the Creditor, or his Attorney at Law or in Fact, of the Value of the ſaid Goods; and alſo at the moſt publick Places in his County give Notice, That, at a certain Day and Place by him to be appointed, not longer than Ten Days after ſuch Appraiſement, ſuch and ſo many Goods of ſuch Value are

to

to be publickly ſold; and the ſaid Sheriff ſhall by way of Outcry ſell the ſame to ſuch Buyer as will give moſt for them, in part or in whole, not being leſs than what ſuch Goods were appraiſed and valued at, as aforeſaid: And if no Buyers offer at ſuch Time and Place, it ſhall and may be lawful for the ſaid Sheriff to deliver ſo much of the ſaid Goods, as will amount unto the Debt and Coſt in ſuch Execution, or Writ of *Venditioni exponas* mentioned, to the Plaintiff, or his Attorney at Law or in Fact, in Diſcharge of ſuch Debt and Coſt: And the ſaid Plaintiff or Creditor ſhall, and is hereby obliged to accept and take the ſame at ſuch Appraiſement and Value, as aforeſaid, in Satisfaction of ſo much of his Debt, Damage, or Coſt, as ſuch Goods amount unto; and if any Creditor or Plaintiff, or his Attorney in Fact or Law, ſhall refuſe or deny to accept and take the ſame, ſuch Sheriff is hereby authorized and impowered to retain in his Hands, at ſuch Plaintiff's or Creditor's proper Riſque, ſo much of the ſaid Goods, as will ſatisfie the ſame, for ſuch Plaintiff's or Creditor's Uſe, who ſhall pay to ſuch Sheriff all Coſts and Charges he ſhall be at in keeping and ſecuring ſuch Goods or Chattels; and the ſaid Plaintiff or Creditor ſhall have no other Action againſt ſuch Sheriff, than only for ſuch Goods and Chattels ſo taken and retained, as aforeſaid: And ſuch Sheriff ſhall give a full and ſufficient Diſcharge to ſuch Debtor for ſo much of the Debt and Coſt, as ſuch Goods by ſuch Appraiſement ſhall amount unto, which ſhall be a ſufficient Bar againſt ſuch Plaintiff or Creditor, and perpetually bar and hinder him from taking out any other Execution againſt the Body, Goods or Chattels, Lands or Tenements, of ſuch Debtor, whoſe Goods and Chattels, as aforeſaid, have been taken in Execution, as aforeſaid; Any Law, Statute, Uſage, or Cuſtom to the contrary notwithſtanding.

PROVIDED always, That nothing in this Act ſhall extend, or be conſtrued to extend, to impower any Sheriff to levy, by Virtue of any *Fieri facias* for any Debt or Damage recovered againſt any Executor or Adminiſtrator, any Negro or other Slave, Plate or Jewels, reſerv'd in Favour of Orphans by the Act for better Adminiſtration of Juſtice in Probat of Wills, and granting Adminiſtrations, *&c.* but that the Sheriffs ſhall be, and are hereby obliged to follow the Directions of that Act touching ſuch Negroes and Slaves, Plate and Jewels; Any thing in this Act to the contrary notwithſtanding.

Paſs'd November 14*th*, 1713. *Revis'd* May 30*th*, 1715.

An Act for Relief of Debtors; and Aſcertaining the Manner of Tenders in Tobacco. N° 47.

WHEREAS ſeveral honeſt Perſons within this Province, being indebted in Tobacco to divers Perſons, Merchants, and others, and well diſpoſed to pay the ſame, taking Care therefore by providing the Tobacco, but oftentimes it ſo happens, that becauſe an Opportunity or Conveniency doth not offer to the Creditors to diſpoſe thereof, they do frequently refuſe, neglect and delay to receive the ſaid Tobacco in Diſcharge of the Debts, whereby the Debtor remains in Debt, and the Tobacco by him procured to pay the ſaid Debts, remains in his Hands ſubject to all Caſualty on the Debtor's Account, and which he dares not make Uſe of for Fear of his Creditors Demanding and Suing after for the Debt; For Remedy whereof for the future, Be it Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of Her Majeſty's Preſident, Council, and Aſſembly of this Province, and the Authority

Authority of the ſame, That any Perſon or Perſons whatſoever, inhabiting within this Province, and now being, or that hereafter ſhall be indebted to any Merchant, or others, either reſident in, or trading to this Province, that hath Tobacco ready, according to the Nature of the Debt he owes, and is willing to pay the ſame, and hath offered it to his Creditor, his Factor, or Attorney, and by him or them refuſed, neglected, or delayed to be received, as aforeſaid, it ſhall and may be lawful to and for ſuch Debtor or Debtors, at any Time, between the Firſt Day of *November* and the laſt Day of *March* in every Year, during the Continuance of this Act, and at no other Time, to repair to the next Juſtice of Peace, and there before him, upon making Oath of ſuch Tobacco being already tendred and neglected, refuſed or delayed to be received, the ſaid Juſtice ſhall, and is hereby impowered and required to appoint Two ſufficient Perſons being Freeholders in the Neighbourhood (not being of Kin either to the Debtor or Creditor) where ſuch Debtor ſhall dwell, to view, ſearch, and look upon ſuch Tobacco, ſo ready to be paid in Diſcharge of the Debt, and tendred, as aforeſaid ; which Two Perſons ſo appointed ſhall take their Oaths, to be adminiſtred by the Juſtice aforeſaid, well and truly to try and examine into the Matter aforeſaid, and make Report to the Juſtice aforeſaid ; and if, upon Viewing the ſame, it be found that the Tobacco aforeſaid is clean, ſound, and merchantable, and fit to be paid in Diſcharge of the Debt aforeſaid, they ſhall and are hereby authorized and impowered to mark the ſaid Tobacco in Hogſheads upon the Head, and bulge for ſuch Creditor, as aforeſaid, and weigh the ſame, and ſignifie the Neat Weight thereof unto the Juſtice aforeſaid ; which Tobacco ſo tendred, and refuſed to be received, being viewed, marked, and weighed, as aforeſaid, ſhall, for ever after, be eſteemed and taken as the proper Goods and Tobacco of the Creditor, and in abſolute Diſcharge of the Debt aforeſaid, or of ſo much thereof as the ſame Tobacco ſhall weigh (provided each Hogſhead weighs Five hundred Neat, or upwards.)

And becauſe many Contracts, Bills, and Bonds, may be of different Nature and Circumſtances, It is hereby further Enacted and Declared, That upon every ſuch Viewing, as aforeſaid, the Creditor, his Factor or Attorney, ſhall have Notice thereof by the ſaid Debtor ; and if he do not come to the Place, and make known, by ſhewing the Contract or Obligation, the Circumſtances or Nature of the Contract or Obligation, if the Tobacco viewed, as aforeſaid, be clean from Traſh, ſound, and merchantable, it ſhall be marked and weighed in Diſcharge of ſuch Debt, be the ſame of what Nature ſoever ; and the Perſons in whoſe Houſes the Tobacco lies, or ſhall lie, ſhall take Care of and preſerve the ſame for One whole Year, as they are obliged to do Tobacco actually received by any Creditor, Merchant, or others ; Any Law, Statute, or Uſage to the contrary notwithſtanding.

And be it further Enacted by the Authority, Advice, and Conſent aforeſaid, That if any Debtor, who hath tendred Tobacco to his Creditor, which is in very good Condition, clear of all manner of Traſh, according to the Tenor of the Specialty aforeſaid, and well packed in good ſeaſoned Hogſheads, and which Hogſheads of Tobacco contain Five hundred Pounds of Neat Tobacco at the leaſt, and which the Creditor refuſed, and hath ſuch Tobacco ready to tender and pay to his Creditor, be yet notwithſtanding ſued and proſecuted at Law, in order to recover ſuch Tobacco, as he ſhall be indebted to his Creditor, if at the Trial the Defendant ſhall make appear by Two ſufficient Evidences that he tendred to the Plantiff ſuch his Debt in ſuch Tobacco, qualified as aforeſaid, having the Tobacco ready and full packed in Hogſheads before the Plaintiff purchaſed his Writ, then and in every ſuch Caſe the Plaintiff ſhall not recover any Coſt of Suit againſt the Defendant, but ſhall pay the Defendant what Coſt the Defendant hath in that Cauſe expended, to be deducted out of the Plaintiff's Debt by the Court, before whom ſuch Suit ſhall be ; and the Plaintiff ſhall have Judgment for what ſhall be remaining

maining due to him after ſuch Deduction made, as aforeſaid. And in caſe any Plaintiff, after ſuch Recovery had of any Quantity of Tobacco againſt any Defendant having Tobacco pack'd in Hogſheads, and qualified as aforeſaid, ſhall refuſe, upon the Defendant's Tendring of ſuch Tobacco, to receive the ſame, but ſhall ſue out Execution againſt the Defendant, whereby the Defendant is taken in Execution and Impriſoned; then and in ſuch Caſe any Friend of the ſaid Defendant ſo impriſoned may, on Behalf of ſuch Priſoner, go to the High Sheriff, and require him to certifie to the next Juſtices of the Peace at whoſe Suit, and for what Sum, the ſaid Priſoner is in Execution; which Certificate the Sheriff ſhall make *gratis*, and give to ſuch Perſon requiring the ſame, within Five Hours after ſuch Demand, under Penalty of Two thouſand Pounds of Tobacco in Cask, to be forfeited by the High Sheriff, if he wilfully refuſe to make the ſame; the One Half thereof to Her Majeſty, Her Heirs and Succeſſors, for the Support of Government, the other Half to the Party grieved, to be recovered by Action of Debt in any Court of Record of this Province; which Certificate ſo obtained any Friend or Agent of ſuch Priſoner ſhall ſhew to ſuch next Juſtice of Peace; and if ſuch Friend or Agent will aver that the Priſoner hath Tobacco ready to pay ſuch Debt or Damages recovered convenient, and that ſuch Friend will open and ſhew the ſame, the ſaid Juſtice of Peace ſhall either go in Perſon, or ſend Two diſcreet Perſons, Freeholders, as aforeſaid, ſworn before him, to view the Tobacco, and weigh it, and make Report thereof; and if it happen the Tobacco is ſound, merchantable, and of ſuch Weight to diſcharge the whole Sum mentioned in the Execution, then ſhall the ſaid Juſtice give Notice to the Sheriff in Writing, under the Hand of ſuch Juſtice, by the Agent of ſuch Priſoner, that, except ſuch Sheriff come and ſhew good Cauſe to the contrary, that the ſaid Juſtice will cauſe the ſaid Tobacco to be marked on the Creditor's Riſque; and if Cauſe be not ſhewn within Forty eight Hours after the Date and Service of ſuch Writing, which ſhall be dated on or at a certain Hour of a certain Day, that then the Juſtice ſhall cauſe the ſaid Tobacco to be marked and numbred, and ſhall ſend the Sheriff a Certificate of the Mark, Number, Weight, and Place where ſuch Tobacco lies on the Creditor's Account; and in caſe the Priſoner is not in his Cuſtody on any other Account, he ſhall ſuffer him (paying or giving Security for his Fees) to go at large, and ſhall not be anſwerable upon any Action of Eſcape; and if after this the Sheriff detain the Priſoner any longer in Priſon, ſuch Detaining ſhall be adjudged Falſe Impriſonment.

Paſs'd November 14*th*, 1713. *Revis'd* May 30*th*, 1715.

An Act for the more ſpeedy Conveying Publick Letters and Packets of this Province, and Defraying the Charge thereof; and to prevent the Abuſes of Breaking open and Concealing any Letters whatſoever. N° 48.

FORASMUCH as ſeveral of the Inhabitants of this Province have been formerly ſubject to great and manifeſt Inconveniencies by Preſſing of Horſes, under Pretext of Carrying and Conveying Publick Letters and Packets; For Prevention whereof, and that due Care may be taken for the future, that all Publick Letters and Packets, relating to Her Majeſty's or the Publick's Service of this Province, be ſecurely and expeditiouſly conveyed according to their Directions, the Delegates of this preſent General Aſſembly do pray, that it may

be Enacted; And be it Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of Her Majeſty's Preſident, Council, and Aſſembly of this Province, and the Authority of the ſame, That the Sheriff of each reſpective County is hereby enjoyned and commanded to take Care of all Publick Letters and Packets, and expeditiouſly convey them, according to their reſpective Directions, to the next Sheriff, or Under-Sheriff of the next adjacent County: And for the Encouragement of the ſeveral and reſpective Sheriffs, and their Diligence in Conveying ſuch Publick Letters and Packets, that they may be allowed the ſeveral Sums hereafter expreſſed, to be laid in the Publick Levy of this Province; (that is to ſay)

To the Sheriff of *Annarundel* County, Fifteen hundred Pounds of Tobacco, who is hereby obliged to convey all ſuch Letters and Packets as are directed, and muſt go over, to the Eaſtern-Shore to *Kent* Iſland, and there to be delivered to the Sheriff of Queen *Anne*'s County, or his Deputy.

To the Sheriff of Queen *Anne*'s County, Fourteen hundred Pounds of Tobacco, who is hereby alſo obliged to convey all ſuch Letters and Packets, as are directed to the City of *Annapolis*, to the ſaid City.

To the Sheriff of *Cecil* County, One thouſand Pounds of Tobacco, who is alſo obliged to convey all ſuch Letters and Packets, as are directed to the Northward, to the Town of *Newcaſtle* upon *Delaware*.

To the Sheriff of *Talbot* County, Eight hundred Pounds of Tobacco.

To the Sheriff of *Kent* County, Six hundred Pounds of Tobacco.

To the Sheriff of *Dorcheſter* County, Six hundred Pounds of Tobacco.

To the Sheriff of *Somerſet* County, Six hundred Pounds of Tobacco.

To the Sheriff of *Calvert* County, Eight hundred Pounds of Tobacco.

To the Sheriff of *Charles* County, Eight hundred Pounds of Tobacco.

To the Sheriff of St. *Mary*'s County, Eight hundred Pounds of Tobacco.

To the Sheriff of Prince *George*'s County, Six hundred Pounds of Tobacco; and

To the Sheriff of *Baltemore* County, Six hundred Pounds of Tobacco.

Which ſaid ſeveral and reſpective Sums of Tobacco ſhall be annually allowed and paid to the Sheriffs aforeſaid; in Conſideration whereof the Sheriffs of the ſaid ſeveral and reſpective Counties ſhall defray all ſuch Charges as ſhall accrue by reaſon of Conveying of ſuch Letters or Packets; Any former Law, Uſage, or Cuſtom to the contrary notwithſtanding.

And be it further Enacted by the Authority aforeſaid, That ſuch Publick Letters and Packets be endorſed for Her Majeſty's Service, and with the Perſon's Name that ſend them: And if any Perſon or Perſons whatſoever ſhall, at any Time after Publication of this Act, preſume to endorſe any Letter or Letters, Packet or Packets, ſo as aforeſaid, which are not for the Publick Service, he or they ſhall forfeit and pay for ſuch Offence Five hundred Pounds of Tobacco, to be recovered in any of Her Majeſty's Courts of Record within this Province, by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoign, Protection or Wager of Law to be allowed.

And the better to aſcertain what Letters ſhall be accounted Publick Letters, Be it Enacted by the Authority, Advice, and Conſent aforeſaid, That all Letters directed to the Governor of this Province for the time being, endors'd for Her Majeſty's Service, and all Letters ſent by the Governor, having his or the Clerk of the Council's Name endors'd, and for Her Majeſty's Service, directed to any Perſon whatſoever, and all Letters ſent by any Member of Her Majeſty's Council, with the Subſcriber's Name endors'd, and for Her Majeſty's Service, all Letters ſent by the Speaker or Clerk of the Houſe of Delegates for the time being, with the Subſcriber's Name endors'd, and for Her Majeſty's Service, all Letters ſent by a Juſtice of the Provincial Court, with the Subſcriber's Name endors'd, and for Her Majeſty's Service, and all Letters ſent by the Publick Treaſurers of each Shore to any Naval Officer, with the Subſcriber's Name endors'd, and for Her Majeſty's Service, ſhall be accounted only Publick Letters.

AND whereas alſo the Sheriffs of this Province, whoſe Duty it is to convey Letters for Her Majeſty's Service, are very much complain'd of for their Negligence therein, Be it Enacted by the Authority, Advice and Conſent aforeſaid, That if any High Sheriff, or his Deputies, receive any Publick Letter, he ſhall (if required) give Receipt for the ſame, ſhewing the Day and Hour when he received the ſame; and when he delivers the ſame Letter to the next Sheriff, or Party to whom directed, the Party that receives the ſame, ſhall likewiſe, if required, give ſuch like Receipt to the Sheriff that firſt received it; and if any High Sheriff, or his Deputy or Deputies, for whom the High Sheriff ſhall be anſwerable, ſhall refuſe to give ſuch Receipt, to be proved by the Oath of the Perſon demanding ſuch Receipt, or, having received ſuch Letter, ſhall wilfully neglect immediately to forward ſuch Letter as directed, ſo that ſuch Letter is ſtopt Twenty four Hours longer than it reaſonably need be (Reſpect being had to the Wind and Weather) the High Sheriff ſhall forfeit the Sum of Two thouſand Pounds of Tobacco in Cask; the One Moiety thereof to our Sovereign Lady the Queen, Her Heirs and Succeſſors, for the Support of the Government of this Province, the other Moiety to him or them that will ſue for the ſame, to be recovered by Action of Debt in any Court of Record of this Province; and ſuch Neglect of ſuch Sheriffs ſhall be evidenced by the Dates of the Receipts.

AND whereas the Trade and Commerce of this Province is in great Meaſure confined to *England*, and the Inhabitants of this Province of Neceſſity are obliged to lodge their Effects, and wholly correſpond with the Merchants in *England*, by which Means we may have great Dependance upon their Advice in Trade, and often Proteſted Bills of Exchange are remitted hither to the ſeveral Perſons intereſted therein, which are ſometimes of conſiderable Value, and for want of due Care of ſuch Letters, in which the ſame are incloſed, no ſettled Poſt Houſes being appointed for the Reception of them, many times ſundry Evil minded Perſons find Occaſion clandeſtinely to take ſuch Letters out of the Publick Houſes, where they are generally left, and break open and conceal the ſame, to the great Detriment of ſundry of the Inhabitants, Merchants and Traders; and many Ill deſigning Perſons, who have drawn Bills of Exchange, not having any Bottom in *England* to anſwer the ſame, well knowing and obſerving to what Merchant or Merchants ſuch Bills are remitted, do diligently watch the Returns of ſuch Bills from the Merchants, and gueſſing at ſome Letters to be the Coverts of their Proteſted Bills, get them into their Hands, and deſtroy the ſame, to the great Detriment of many honeſt Traders and Dealers, and others concerned; and many times others, out of a Diſhoneſt and Inquiſitive Temper, ſecretly take and break open Publick and Private Country Letters, to the great Diſſatisfaction and Prejudice of ſeveral the Inhabitants, Her Majeſty's good Subjects, and great Delay of Publick Buſineſs: For the Prevention thereof for the future, Be it Enacted by the Authority, Advice and Conſent aforeſaid, That if any Perſon or Perſons whatſoever ſhall hereafter preſume to take and break open the Seal or Seals of any Letter or Letters whatſoever, not being unto him or them directed, or not having eſpecial Licence from the Perſons, to whom the ſame are directed, their Executors or Adminiſtrators ſo to do, ſhall, upon due Conviction thereof, either in the Provincial or County Courts of this Province, ſuffer Impriſonment of his, her, or their Bodies, for and during the Space of Six Days without Bail or Mainprize, and forfeit the Sum of Five Pounds *Sterling*; the One Moiety to Her Majeſty, Her Heirs and Succeſſors, for the Support of Government, the other Moiety to him or them that ſhall inform or ſue for the ſame, to be recovered in any Court of Record within this Province, by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoign, Protection, or Wager of Law to be allowed. And in Caſe any Perſon or Perſons ſhall break open any Letter or Letters directed to his Excellency Her Majeſty's Governor, or any of Her Majeſty's Council of this Province, for the

the time being, or other Publick Letter ſuperſcribed or directed for Her Majeſty's Service, and ſigned by any Perſon having Authority ſo to do, and ſhall be thereof legally convict, he, ſhe, or they, ſo offending, ſhall ſuffer Two Months Impriſonment without Bail or Mainprize, and forfeit to our Sovereign Lady the Queen, Her Heirs and Succeſſors, the Sum of Twenty Pounds *Sterling*, to be recovered and divided, as aforeſaid.

AND be it further Enacted by the Authority, Advice and Conſent aforeſaid, That One Act of Aſſembly of this Province, made at a Seſſion of Aſſembly begun and held at the Port of *Annapolis* the Twenty ſixth Day of *March*, *Anno Dom.* Seventeen hundred and ſeven, Intituled, *An Act to prevent the Abuſe of Breaking open and Concealing Publick and Private Letters*, and every Article, Clauſe, and Thing therein contained, be and is hereby Repealed and made Null and Void.

Paſs'd November 14*th*, 1713. *Reviſ'd* May 31*ſt*, 1715.

No. 49. *An Act for Regulating Writs of Error, and Granting Appeals from and to the Courts of Common Law within this Province.*

FORASMUCH as the Liberty of Appeals and Writs of Error from the Judgment of the Provincial and County Courts of this Province, is found to be of great Uſe and Benefit to the Good of the People thereof; Be it therefore Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of Her Majeſty's Preſident, Council, and Aſſembly of this Province, and the Authority of the ſame, That no Execution upon any Judgment obtained either in the Provincial or County Courts, or other Inferior Courts of Record within this Province, ſhall be ſtayed or delayed, or any *Superſedeas* upon ſuch Judgment granted or iſſued forth upon any Appeal or Writ of Error from any ſuch Court or Courts of Record, as aforeſaid, to the Court before whom ſuch Appeal ought to be brought, or before whom ſuch Writ of Error ought to be heard and determined, unleſs ſuch Perſon or Perſons, in whoſe Name ſuch Appeal or Writ of Error ſhall be made or brought, as aforeſaid, or ſome other in his, her, or their Behalf ſhall, immediately upon making ſuch Appeal, or ſuing out ſuch Writ of Error, as aforeſaid, enter into Bond with ſufficient Sureties, ſuch as the Juſtices of the Court, by whom Judgment ſhall be given, as aforeſaid, or the Keeper of the Seal for the time being, to whom Application ſhall be made for ſuch Writ of Error, as aforeſaid, ſhall approve of in double the Sum recovered by ſuch Judgment obtained, as aforeſaid, with Condition, That if the Party Appellant, or Party ſuing out ſuch Writ of Error, as aforeſaid, ſhall not purſue the Directions of this Act hereafter mentioned, at the next Court enſuing, before whom ſuch Appeal or Writ of Error to be tried, as aforeſaid, and proſecute the ſame Writ with Effect, and alſo ſatisfie and pay to the ſaid Party, his Executors, Adminiſtrators, or Aſſigns, in caſe the ſaid Judgment ſhall be affirmed, as well all and ſingular the Debts, Damages and Coſts adjudged by the Court, before whom ſuch Action was firſt brought, and from whoſe Judgment ſuch Appeal ſhall be made, or thereon a Writ of Error brought, as aforeſaid; as alſo all Coſts and Damages that ſhall be awarded by the Court, before whom ſuch Appeal or Writ of Error ſhall be heard, tried, and determined, as aforeſaid: Then the ſaid Bond to be and remain in full Force and Virtue, otherwiſe of no Effect.

AND

AND be it Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That no Perſon or Perſons whatſoever, againſt whom any Judgment ſhall be given in any County Court of this Province, wherein the Debt or Damages, for which ſuch Judgment ſhall be given, ſhall have any Appeal or Writ of Error from the ſaid County Courts, or other Inferior Courts of Record, to the Provincial Court, wherein the Debt or Damages recovered do not amount to the Sum of Six Pounds *Sterling*, or Twelve hundred Pounds of Tobacco; and that no Perſon or Perſons whatſoever, againſt whom any Judgment ſhall be given in the Provincial Court of this Province, wherein the Debt or Damages recovered do not exceed the Sum of Fifty Pounds *Sterling*, or Ten thouſand Pounds of Tobacco, ſhall be allowed any Appeal or Writ of Error to the Governor and Council of this Province; but the Judgment of the Juſtices of the ſame Courts, by whom ſuch Judgment ſhall be given, as aforeſaid, and thereupon entred, ſhall be definitive for any ſuch Debt or Damages, as aforeſaid; Any Law, Uſage, or Cuſtom to the contrary notwithſtanding.

AND be it further Enacted by the Authority, Advice and Conſent aforeſaid, That the Method and Rule of the Proſecution of Appeals and Writs of Error ſhall, for the future, be in Manner and Form as is herein after mentioned and expreſſed; (that is to ſay) The Party appealing or ſuing out ſuch Writ of Error, as aforeſaid, ſhall procure a Tranſcript of the full Proceedings of the ſaid Court, from whence ſuch Appeal ſhall be made, or againſt whoſe Judgment the Writ of Error ſhall be brought, as aforeſaid, under the Hand of the Clerk of the ſaid Court, and Seal thereof, and ſhall cauſe the ſame to be tranſmitted to the Court, before whom ſuch Appeal or Writ of Error is or ought to be heard, tried, and determined, as aforeſaid; and alſo in the ſame Court file in Writing, according to the Rule of the ſame Court, ſuch Error in the Proceedings, as the Plaintiff in the Writ of Error ſhall think fit to aſſign, or ſuch Cauſes or Reaſons as he or they had for making the ſaid Appeal, or ſuing out ſuch Writ of Error, as aforeſaid; upon which Tranſcript the ſaid Court, to whom ſuch Appeal ſhall be made, or before whom ſuch Writ of Error ſhall be brought, as aforeſaid, ſhall proceed to give Judgment.

AND be it further Enacted by the Authority, Advice and Conſent aforeſaid, That all Appeals made in Manner aforeſaid, ſhall be admitted and allowed by the Superior Courts, to whom ſuch Appeal ſhall be made, as aforeſaid, in Nature of a Writ of Error; and that every Clerk of a Court ſhall, at the Time of the Sitting of any Court, to which they reſpectively belong, and when any Appeal ſhall be demanded, to enter a Memorandum of ſuch Demand, as well in his or their Courts Proceedings, as in the fair Records of the Proceedings of ſuch Court; and that no Clerk of a Court do refuſe or delay, upon Requeſt of any Appellant, as aforeſaid, to write and make out a Tranſcript of the whole Proceedings, as aforeſaid, under his Hand, and the Seal of the Court, as aforeſaid, upon Penalty to pay the reſpective Damages which ſuch Appellant ſhall ſuſtain by ſuch Refuſal or Delay, as aforeſaid, the ſaid Party paying, or ſecuring to be paid, ſuch reſpective Clerk his juſt Fees for the ſame, according to Law.

AND be it further Enacted by the Authority, Advice and Conſent aforeſaid, That all Appeals or Writs of Error already made and brought, or hereafter to be made or brought before the Governor and Council, ſhall and may be heard by the ſaid Governor and Council out of the Aſſembly-time; Any thing in the ſame, with any other former Law or Practice to the contrary notwithſtanding.

AND for that it may ſo happen, that the Governor of this Province for the time being, may hereafter be concerned in an Appeal made, or Writ of Error brought from the Judgment of the Provincial Court to the Governor and Council aforeſaid, or be otherwiſe indiſpoſed or abſent; Be it therefore Enacted by the Authority, Advice and Conſent aforeſaid, That it ſhall and may be ſufficient in every ſuch Caſe for the Council only to hear and determine ſuch Matters of Controverſie, whereof the Firſt of the Council in Commiſſion, being then preſent,

ſhall preſide, whoſe Judgment thereupon ſhall be definitive in as full and ample Manner, as if the ſaid Governor were then actually preſent and preſiding; Any thing in this Act to the contrary notwithſtanding.

And be it further Enacted by the Authority, Advice and Conſent aforeſaid, That an Act of Aſſembly of this Province, Intituled, *An Act for Regulating Writs of Error, and Granting Appeals from, and to the Courts of Common Law within this Province*, made at a Seſſion of Aſſembly begun and held at the City of *Annapolis* the Twenty eighth Day of *October*, and ended *November* the Fifteenth, in the Eleventh Year of the Reign of our Sovereign Lady Queen *Anne*, *Anno Dom'* Seventeen hundred and twelve, is hereby utterly Repealed and made Void; Any thing in the ſaid Act to the contrary notwithſtanding.

Paſs'd November 14*th*, 1713. *Revis'd* June 3*d*, 1715.

N° 50. *An Act for Settling a Revenue on Her Majeſty's preſent Governor.*

WHEREAS Her moſt Sacred Majeſty, out of Her Royal Bounty and Princely Favour, has been pleaſed to conſtitute and appoint his Excellency *John Hart* Eſq; Her Captain General and Chief Governor in and over this Her Province of *Maryland*, to whom we, Her Majeſty's moſt Loyal Subjects, yield all due Obedience, as by Her Royal Commiſſion we are obliged: And the better to demonſtrate our moſt humble Gratitude, and to ſhew the good Reſpects we have for and towards the ſaid *John Hart* Eſq; our preſent Governor, and the great Hopes and Expectation we have of his Excellency's good Government over us, we moſt humbly pray, that it may be Enacted; And be it Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of Her Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That an Impoſition of Three Pence *Sterling*, *per* Hogſhead, over and above the One Shilling *per* Hogſhead, heretofore Granted, for the Support of Her Majeſty's Government here, upon all Tobacco that ſhall be hereafter Exported out of this Province by Land or by Water, and Three Pence *Sterling* upon every Four hundred Pounds of Tobacco (be it in Cheſt or Caſe) may be raiſed, levied, and paid to Her Sacred Majeſty, Her Heirs or Succeſſors, for the Uſe and better Maintenance of Her Majeſty's ſaid Governor, *John Hart* Eſq; during his Government in and over this Province, and no longer, if Her Majeſty ſhall be ſo Graciouſly pleaſed, by the Maſter of every Ship or Veſſel, or other Perſon trading into, or living in this Province, in *Sterling* Money of *Great Britain*, or Bills of Exchange, at the Election and Choice of the ſaid Maſter or others, to be collected by the Naval Officer of the Port or Diſtrict where ſuch Ship or Veſſel ſhall enter, or ſuch other Perſons as his Excellency ſhall think fit.

And be it further Enacted and Declared by the Authority aforeſaid, That if any Tobacco ſhould, by any Caſual Means be loſt after the Impoſition paid, that then and in all ſuch Caſes, the Owner or Freighter of all ſuch Tobaccoes ſhall have free Liberty to freight and ſhip off the like Quantity again without paying the Additional Three Pence.

This Act to endure ſo long as the ſaid *John Hart* Eſq; ſhall continue Governor in and over this Province, and no longer.

Paſs'd June 30*th*, 1714. *Revis'd* May 30*th*, 1715.

An

An Act for Relieving the Inhabitants of this Province from ſome Agrievances in the Proſecution of Suits at Law. N° 51.

WHEREAS, during the late Long and Expenſive War, Her Majeſty's good Subjects of this Province have greatly ſuffered, and many of them have been utterly ruined, not only by Loſſes at Sea of their Tobacco (which is their only Staple Manufacture) being taken by the Enemies, but alſo by the *European* Markets being ſhut up by reaſon of the Export to *France* and *Spain* in great Meaſure prohibited, ſo that very many honeſt and induſtrious Planters, Her Majeſty's Subjects here, by the very Charges of Neceſſary Clothing, and Tools for themſelves and Families, are become vaſtly indebted, and no Proſpect as yet appearing of any Means whereby they may extricate themſelves out of their miſerable and deplorable Circumſtances, which are very much heightened and aggravated by their being ſued and brought to *Annapolis* from the remoteſt Parts of this Province, to their manifeſt Oppreſſion and Impoveriſhment, ſo that many of the good Inhabitants of this Province daily deſert their Habitations, and remove themſelves to Plantations and Colonies where they are far leſs ſerviceable to Her Sacred Majeſty, and Her Revenue of Cuſtoms of Tobacco, which call for ſome ſpeedy and proper Remedy to be applied thereto: Wherefore this preſent General Aſſembly humbly ſupplicate Her moſt Sacred Majeſty, that it may be Enacted; And be it Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of Her Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That from and after the End of this preſent Seſſion of Aſſembly, all Perſons whatſoever reſiding, negotiating or trading to or within this Province, having any Perſonal Claim of Demand againſt any the Inhabitants of this Province, wherein the Original Debt or Damages do not exceed the Value of Twenty Pounds *Sterling*, or Five thouſand Pounds of Tobacco, ſhall, by Virtue of this Act, be obliged to ſue and implead their ſeveral and reſpective Debtors in the ſeveral and reſpective County Courts, where ſuch their Debtors inhabit and reſide, and not elſewhere, on Penalty of ſuffering a Nonſuit, and paying the Defendant his reaſonable Charges, to be adjudged by the Juſtices of any other Court wherein they ſhall be ſued and impleaded; Any Law, Statute, Uſe, or Cuſtom to the contrary notwithſtanding.

AND be it further Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That when any Debt or Damage is demanded by Virtue of any Bond or Writing Obligatory, the Penalty of ſuch Bond ſhall not, although it exceed Twenty Pounds in Money, or Five thouſand Pounds of Tobacco, entitle any Plaintiff to bring his Action in any Court but the County Court, unleſs the real Sum in the Condition of ſuch Bond amounts to Twenty Pounds, or Five thouſand Pounds of Tobacco; Any thing in this Act, or any other Statute, Law, Cuſtom, or Uſage to the contrary notwithſtanding.

PROVIDED always, That nothing in this Act ſhall extend, or be conſtrued to extend, to debar or hinder any Perſon from bringing his Action in the Provincial or Superior Court on any Covenant, or any Bond for the Performance of Covenants, or for the Performance or Sufferance of any Act or Acts, Thing or Things whatſoever, altho' the real Damages, or Sum recovered, be leſs than Twenty Pounds *Sterling*, or Five thouſand Pounds of Tobacco; and ſo as the Penalty of ſuch Bond for the Performance of Covenants, or Performance or Sufferance of any other Matter or Thing whatſoever, exceed Twenty Pounds in Money, or Five thouſand Pounds of Tobacco: But no Bond for Payment or Performance of any Bill of Exchange ſhall be proſecuted in any Court but the County Court, unleſs the Original or Principal Sum mentioned in ſuch Bill of Exchange, and due on the ſame proteſted, ſhall amount to Twenty Pounds *Sterling*;

ling; Any thing in this Act, or any other Statute, Law, Uſe, or Cuſtom to the contrary notwithſtanding.

And whereas the Juſtices of the ſeveral County Courts of this Province, by their Commiſſion cannot hold Plea or Cognizance of any Sum above One hundred Pounds *Sterling*, or Thirty thouſand Pounds of Tobacco; and that it often happens that ſeveral Perſons, Inhabitants of this Province, have Occaſion to ſue their ſeveral Debtors, likewiſe Inhabitants, as aforeſaid, on Bills, Bonds, or other Specialties, and that the Penal or Principal Sum, for which ſuch Bill, Bond, or Specialty was paſt, does exceed One hundred Pounds *Sterling*, or Thirty thouſand Pounds of Tobacco, on which Bill, Bond, or other Specialty, a Sum under Twenty Pounds *Sterling*, or Five thouſand Pounds of Tobacco, remains due; ſo that the Plaintiff putting ſuch Bill, Bond, or other Specialty in Suit in the Provincial Court, muſt, by Virtue of this Act, be Nonſuit, and the Juſtices of the County Court by their Commiſſions not able to hold Cognizance of the ſame, by Means whereof the Party having Occaſion to put ſuch Bill, Bond, or other Specialty in Suit, was heretofore without Remedy: For Prevention whereof for the future, and that there may not be a Failure of Juſtice in ſuch Caſes, Be it Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of Her Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That every Perſon or Perſons, Inhabitants of this Province, ſhall and may hereafter ſue and implead in any County Court of this Province, where the Debtors reſide, any Perſon or Perſons, Inhabitants as aforeſaid, their Debtors, on any Bill, Bond, or other Specialty, the Principal or Penal Sum whereof exceeds One hundred Pounds *Sterling*, or Thirty thouſand Pounds of Tobacco, and on which Bill, Bond, or other Specialty, there is not due to Balance above Twenty Pounds *Sterling*, or Five thouſand Pounds of Tobacco, but ſhall be above the Sum of Two hundred Pounds of Tobacco, or Sixteen Shillings and Eight Pence current Money. And the ſeveral Juſtices of the County Courts are hereby impowered to hold Cognizance of ſuch Suit brought on ſuch Bill, Bond, or other Specialty, and give Judgment for the juſt Balance, with Coſt of Suit; Their Commiſſion, any Law, Uſage, or Cuſtom to the contrary notwithſtanding.

And be it further Enacted by the Authority, Advice, and Conſent aforeſaid, That from and after the End of this preſent Seſſion of Aſſembly, if any Drawer or Endorſer of any Bill of Exchange ſhall be ſued or Proſecuted in any Court of this Province for any Sum of Money due upon any Proteſted Bill of Exchange, the Attornies proſecuting or defending any Action thereupon, ſhall not exact, demand, receive or take any more than One lawful Fee for proſecuting or defending any Action upon any One Proteſted Bill, notwithſtanding there be Two or more Endorſers, and the ſaid Drawer ſued and proſecuted: And that it ſhall and may be lawful for the Plaintiff in any Action to be brought on any Proteſted Bill, to put into any One Writ Two or more Defendants reſiding in One County, if Occaſion ſhall require, and ſhall not pay for the ſame any other Fee or Reward than for One Writ; and ſhall and may, at his Election, declare againſt ſuch Defendants in One or more Declarations, as he ſhall think fit; Any Law, Statute, Uſage, or Cuſtom to the contrary notwithſtanding.

And be it further Enacted by the Authority, Advice and Conſent aforeſaid, That it ſhall and may be lawful to and for the Defendant in any Writ iſſued or to be iſſued out of the Provincial Court, after Arreſt, and Bail given to the Sheriff for his Appearance, and before the Return of ſuch Writ, to go before the Preſident, or any Two Juſtices of the County Court, where ſuch Defendant ſhall be arreſted, with Two Sufficient Freeholders, ſuch as the Juſtice or Juſtices, before whom ſuch Defendant ſhall go, ſhall approve of, and then and there give Special Bail to any Action by Virtue of ſuch Writ; which Bail ſo taken, ſhall be delivered to the Sheriff of ſuch County, where the ſame is taken, to be by him returned, with ſuch Writ, to the Provincial Court; and the ſaid Bail ſo taken and return-

ed

ed to the Provincial Court with ſuch Writ, ſhall be as ſufficient as if taken before the Preſident of the County Court after the Return of the Writ, and Appearance entred, according to the Directions of the Act of Aſſembly for Taking Special Bail in the County; nor ſhall ſuch Defendant be obliged to appear in proper Perſon, but by his Attorney, if he ſees fit; Any thing in the ſaid Act, or any Law, Statute, Uſe, or Cuſtom to the contrary notwithſtanding.

PROVIDED always, That this Act, or any thing therein contained, ſhall not extend to the Benefit or Advantage of any Perſons that ſhall abſcond or fly from Juſtice in the County where they live, but that ſuch Perſons may be arreſted in any County wherever they be to be found.

THIS Act to endure from and after this Seſſion of Aſſemby, for and during the End of Three Years, and to the End of the next Seſſion of Aſſembly after the Three Years.

Paſs'd July 3*d*, 1714. *Revis'd* May 30*th*, 1715.

An Act laying an Impoſition of Three Pence per *Hogſhead on Tobacco, for Defraying the Publick Charge of this Province.* N° 52.

BE it Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of Her Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That from and after the End of this Seſſion of Aſſembly, a Duty or Impoſition of Three Pence *Sterling* for every Hogſhead of Tobacco, and the like Duty for every Five hundred Pounds of Tobacco, contained in Cheſt, Box, or Caſe, on all Tobacco that ſhall be exported out of this Province, by Land or by Water, be raiſed, levied, and paid to Her Majeſty, towards the Defraying the Publick Charge of this Province, by all Maſters of Ships, and other Veſſels trading into this Province, in Money *Sterling* of *Great Britain*, or by good and ſufficient Bills of Exchange to be collected by the Naval Officers of the Port or Diſtrict, where ſuch Ship or Veſſel ſhall clear; and the ſaid Naval Officers are directed and required by this Act to receive the ſame in Money *Sterling* of *Great Britain*, or by good and ſufficient Bills of Exchange accordingly: And the ſaid Naval Officers ſhall account and pay for the ſaid Impoſition of Three Pence *per* Hogſhead, and the Three Pence for every Five hundred Pounds of Tobacco, contained as above, in Money *Sterling*, as aforeſaid, or ſuch Bills of Exchange, to the Treaſurers of this Province, who are hereby required to render an Account thereof, and pay the ſame in Money *Sterling*, as aforeſaid, or ſuch Bills of Exchange, to the General Aſſembly; Any Law, Statute, or Uſage to the contrary notwithſtanding.

AND be it further Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That the ſaid Impoſition of Three Pence *per* Hogſhead, and Three Pence for every Five hundred Pounds of Tobacco, contained as aboveſaid, ſhall be appropriated by the General Aſſembly of this Province towards the paying the Publick Charge thereof, and to no other Uſe whatſoever.

AND be it further Enacted and Declared by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That if any Tobacco ſhould by any Caſual Means be loſt after the Impoſition paid, that then and in all ſuch Caſes the Owner or Freighter of all ſuch Tobacco ſhall have free Liberty to freight and ſhip off the like Quantity again, without paying the ſaid Impoſition.

AND be it further Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That One Act of Aſſembly, begun and held at

the Town and Port of *Annapolis* the Fifth Day of *September*, *Anno Dom'* One thouſand ſeven hundred and four, Intituled, *An Act for laying an Impoſition of Three Pence* per *Hogſhead on Tobacco, for Defraying the Publick Charge of this Province*, and every Article, Clauſe, Matter, and Thing therein contained, ſhall be, and is hereby utterly Repealed and made Void. And this preſent Act to be and endure in full Force and Strength for the Term of Three Years, and to the End of the next Seſſion of Aſſembly after the Three Years.

Paſs'd July 3*d*, 1714. *Revis'd* May 30*th*, 1715.

No. 53. *An Act reviving a certain Act of Aſſembly of this Province, Intituled,* An Act for Limitation of Officers Fees, and for Supplying ſome Defects therein; *and alſo reviving another Act of Aſſembly of this Province, Intituled,* An Act explaining ſome doubtful Expreſſions in the Act for Limitation of Officers Fees.

BE it Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of Her Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That the abovementioned Act, Intituled, *An Act for the Limitation of Officers Fees*, made at a Seſſion of Aſſembly, begun and held at the Port of *Annapolis* the Fifth Day of *December*, *Anno Dom'* Seventeen hundred and four; and alſo the abovementioned Act, Intituled, *An Act explaining ſome doubtful Expreſſions in the Act for Limitation of Officers Fees*, made at a Seſſion of Aſſembly, begun and held at the Town and Port of *Annapolis* the Twenty ſixth Day of *March*, *Anno Dom'* Seventeen hundred and ſeven, be and are hereby Revived and Continued in full Force and Strength, from and after this preſent Seſſion of Aſſembly, for and during Three Years, and to the End of the next Seſſion of Aſſembly that ſhall firſt happen after the Three Years.

AND whereas the Impriſonment Fee of Twenty Pounds of Tobacco, limited for Sheriffs in the afore recited Act for Limitation of Officers Fees, is found to be extravagant, and a great Oppreſſion to the Poor of this Province; Be it further Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That the Sheriffs of the ſeveral and reſpective Counties of this Province ſhall receive, as a Fee for keeping a Priſoner in Cuſtody, and finding him Victuals, the Sum of Twenty Pounds of Tobacco *per* Day, during the Firſt Month's Impriſonment, and Ten Pounds of Tobacco, and no more, for every Days Impriſonment and Victualing after the End of the Firſt Month's Impriſonment; Any thing in the recited Acts, or any Law, Uſage, or Cuſtom to the contrary notwihſtanding.

AND whereas alſo there have been ſeveral Fees allowed to the Officers by Her Majeſty's Governor and Council for ſundry Services not provided for by the before recited Acts; Be it further Enacted by the Authority, Advice and Conſent aforeſaid, That it ſhall and may be lawful for the ſeveral Sheriffs of this Province, to take the Fees hereafter mentioned for the Services following, (*Viz.*)

For Serving a Writ of Poſſeſſion, One hundred and fifty Pounds of Tobacco.

For Serving an Ejectment, One hundred Pounds of Tobacco.

For Electing Burgeſſes (if a whole Election) Fifteen hundred Pounds of Tobacco, and ſo, *pro rato*, for One or more.

For

For Serving a Replevin, the ſame as is allowed by the aforeſaid Acts for an Execution.

And alſo that the ſeveral Sheriffs be paid the like Fees by convicted Criminals, as are paid them by any other Perſons for ſuch like Services in Civil Caſes, ſo as none of the Counties ſhall be chargeable with any ſuch Fees; and that the above mentioned Fees, and alſo all ſuch Fees as ſhall be allowed by Her Majeſty's Honourable Council here, to their Clerk in Aſſembly; and alſo all ſuch Fees as ſhall be allowed by the Houſe of Delegates of this Province, to the Speaker and Clerk thereof, ſhall be levied by way of Execution, after the ſame Manner as is directed by the before recited Act for Levying the ſeveral Fees therein allowed to the ſeveral Officers therein mentioned. And in caſe any of the Officers mentioned in this Act ſhall in any wiſe act or do contrary, directly or indirectly, to this or the aforeſaid Act, he or they ſo offending ſhall ſuffer the ſame Pains, Penalties, and Forfeitures, as in the ſaid Act for Limitation of Officers Fees are directed to be recovered and applied, as therein is directed.

And foraſmuch as it is repreſented to this General Aſſembly, That great Inconveniencies and Oppreſſions have been impoſed upon ſeveral of the Inhabitants of this Province, by reaſon ſeveral of the Sheriffs of the ſeveral Counties within this Province do frequently keep Ordinaries or Houſes of Entertainment, and ſell Drink by Retail, to the great Damage of ſuch Perſons as have Occaſion to repair to their Offices; Be it therefore Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That no Sheriff within this Province, ſhall for the future preſume, either by himſelf or any other Perſon, directly or indirectly, for or under him, to keep an Ordinary or Houſe of Entertainment, or ſell Liquors by Retail, during his Continuance in ſuch his Office, on Pain of being diſabled to execute the ſame, during the Term of Three Years.

And be it further Enacted by and with the Authority, Advice and Conſent aforeſaid, That all Attornies practiſing in the ſeveral County Courts of this Province, ſhall have for their Fee in any Cauſe, where the real Debt ſued for, or the Balance recovered, exceeds the Sum of Ten Pounds *Sterling*, or Two thouſand Pounds of Tobacco, the Sum of Two hundred Pounds of Tobacco; and that any Attorney practiſing in the ſaid Courts, that ſhall refuſe to proſecute or defend the Cauſe of any Perſon or Perſons making Application to him (unleſs before retained) having the ſaid Fee paid, or ſecured to be paid to him, or that ſhall ask, receive, or demand in any ſuch Action, by any Colour or Pretext whatſoever, more than the ſaid Fee, ſhall forfeit and pay the Sum of Five hundred Pounds of Tobacco; One Half thereof to our Sovereign Lady the Queen, for the Support of the Government, the other Half to him or them that will ſue for the ſame, to be recovered by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoign, Protection, or Wager of Law to be allowed; and upon Conviction thereof to be ſuſpended his Practice in the ſaid Court, for and during One whole Year.

Paſs'd July 3*d*, 1714.

———— ———— ————

At

Maryland ſſ. At a Seſſion of Aſſembly, begun and held at the City of *Annapolis* in *Annarundel* County, for the Province of *Maryland*, on the Twenty ſixth Day of *April*, and thence continued to the Fourth Day of *June*, in the Firſt Year of the Reign of our Sovereign Lord King *George*, of *Great Britain*, *France*, and *Ireland*, Defender of the Faith, *&c.* 1715. his Excellency *John Hart* Eſq; being Governor, were Enacted and Re-enacted theſe Laws following, *viz.*

A moſt joyful and juſt Recognition of the immediate, lawful and undoubted Succeſſion and Right of the Crown of Great Britain, *and of the Kingdoms and Dominions thereunto belonging.* N° 54.

To the King's moſt Excellent Majeſty.

WE Your Majeſty's moſt Humble and Loyal Subjects of this Your Province of *Maryland*, Your Majeſty's Governor and Council, and the Delegates of the ſeveral Counties, and Citizens, in this preſent General Aſſembly now convened, acknowledging with a moſt thankful and joyful Senſe the ineſtimable Bleſſings Almighty God has vouchſafed to Your Majeſty's Kingdom of *Great Britain*, and the Dominions thereto belonging, in ſo happily preſerving Your moſt Sacred Perſon, and peaceably Seating You on the Throne of Your Royal Anceſtors; and not only ſo, but in bleſſing Your Majeſty with a moſt Royal Progeny of moſt Excellent Gifts and Virtues, eſpecially the Thrice Noble and Illuſtrious *George* Prince of *Wales*, Your Highneſs's moſt Noble Son, and His Children (ſo rare and invaluable a Bleſſing to us, and all Your Majeſty's Subjects) do from the Bottom of our Hearts yield the Divine Majeſty all humble Thanks and Praiſes for the ſaid ineſtimable Benefits and Bleſſings: And we beſeech Your moſt Excellent Majeſty, that it may be Publiſhed and Declared by Your Majeſty's Governor, Council, and Aſſembly of this Province,

and Enacted by the Authority of the ſame, That we, being bound thereto both by the Laws of God and Man, do recognize and acknowledge, and hereby expreſs our unſpeakable Joys, that immediately upon the Diſſolution and Deceaſe of our late Sovereign Lady Queen *Anne*, of Pious Memory, the Imperial Crown of the Realm of *Great Britain*, and of all the Kingdoms, Dominions, and Rights belonging to the ſame, did, by lawful and undoubted Succeſſion in the true Proteſtant Line, appertain and of Right belong to Your moſt Excellent Majeſty; and that You are, and of Right ought to be, by the Laws of Your Realm of *Great Britain*, our moſt Gracious Sovereign Liege Lord *George*, by the Grace of God, of *Great Britain*, *France*, and *Ireland*, King, Defender of the Faith, *&c.* in and to whoſe Princely Perſon and Progeny, Your Succeſſors in the Proteſtant Line, as by Law Eſtabliſhed, the Royal Eſtate, Crown and Dignity of the aforeſaid Realms and Dominions, with all Honours, Stiles, Titles, Regalities, Prerogatives, Powers, Juriſdictions, and Authorities, to the ſame belonging, are moſt lawfully and intirely inveſted and incorporated, united, and for ever annexed: And thereunto we moſt humbly and faithfully do ſubmit and oblige our ſelves, our Heirs and Poſterities for ever, until the laſt Drop of our Blood be ſpent; and do beſeech Your Majeſty to accept hereof, as the Firſt-Fruits in this General Aſſembly, of our Loyalty and Faith to Your Majeſty and Your Royal Progeny for ever.

Paſs'd May *4th*, 1715.

No 55. *An Act for Repealing a Clauſe in an Act of Aſſembly, Intituled,* An Act for the Eſtabliſhment of Religious Worſhip in this Province, *&c. and alſo for Appointing the Oaths of Abjuration to be taken in this Province.*

FORASMUCH as the Pretended Prince of *Wales* hath for ſome time, and doth continue to aſſume to himſelf the Title of King of *England*, and the Dominions thereunto belonging, by the Name of *James* the Third; therefore for the better Security of His Majeſty in His juſt Rights and Sovereignty in and over the Province of *Maryland*, and for Extinguiſhing all Hopes of the Friends and Adherents of the ſaid pretended Prince; Be it Enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of His Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That, from and after the Concluſion of this preſent Seſſion of Aſſembly, the Oath of Abjuration ſhall be adminiſtred to all Perſons, that already have, or ſhall hereafter be admitted to have or enjoy any Office or Place of Truſt within this Province, in ſuch Manner and Form as is herein after recited; (that is to ſay)

I A. B. *do truly and ſincerely Acknowledge, Profeſs, Teſtifie, and Declare in my Conſcience, before God and the World, That our Sovereign Lord King* George *is Lawful and Rightful King of the Realm of* Great Britain, *and of all other His Majeſty's Dominions and Countries thereunto belonging. And I do ſolemnly and ſincerely Declare, That I do believe in my Conſcience,*

ence, that the Perſon pretended to be Prince of Wales, *during the Life of the late King* James, *and ſince his Deceaſe, pretending to be, and taking upon himſelf the Stile and Title of King of* England, *by the Name of* James *the Third, hath not any Right or Title whatſoever to the Crown of the Realm of* Great Britain, *or any other of the Dominions thereunto belonging: And I do Renounce, Refuſe, and Abjure any Allegiance or Obedience to him. And I do ſwear, That I will bear Faith and true Allegiance to His Majeſty King* George, *and Him will Defend, according to the utmoſt of my Power, againſt all Traiterous Conſpiracies and Attempts whatſoever, which ſhall be made againſt His Perſon, Crown, or Dignity. And I will do my beſt Endeavour to Diſcloſe and make Known to His Majeſty, and His Succeſſors, all Treaſons and Traiterous Conſpiracies, which I ſhall know to be againſt Him, or any of Them. And I do faithfully Promiſe, to the utmoſt of my Power, to Support, Maintain, and Defend the Limitation and Succeſſion of the Crown againſt him the ſaid* James, *and all other Perſons whatſoever, as the ſame is and ſtands limited by an Act, Intituled,* An Act Declaring the Rights and Liberties of the Subject, and Settling the Succeſſion of the Crown to Her preſent Majeſty, and the Heirs of Her Body being Proteſtants; *and as the ſame by one other Act, Intituled,* An Act for the further Limitation of the Crown, and better Securing the Rights and Liberties of the Subject, *is and ſtands limited, after the Deceaſe of Her Majeſty, and for Default of Iſſue of Her Majeſty, to the Princeſs* Sophia, *Electreſs and Dutcheſs Dowager of* Hanover, *and the Heirs of Her Body being Proteſtants. And all theſe things I do plainly and ſincerely acknowledge and ſwear, according to theſe Expreſs Words by me ſpoken, and according to the Plain and Common Senſe and Underſtanding of the ſame Words, without any Equivocation, or Mental Evaſion, or Secret Reſervation whatſoever. And I do make this Recognition, Acknowledgment, Abjuration, Renunciation, and Promiſe, Heartily and Truly, upon the true Faith of a Chriſtian:*

So help me God.

And that, without the Taking and Subſcribing which Oath, no Perſon ſhall be capable of Holding, Executing, or Enjoying any Office or Truſt within this Province whatſoever.

AND whereas by an Act of the General Aſſembly of this Province, made the Sixteenth Day of *March*, in the Year of Lord One thouſand ſeven hundred and one, Intituled, *An Act for Eſtabliſhment of Religious Worſhip in this Province*, &c. It was Enacted, That all Veſtrymen ſhould ſubſcribe the *Aſſociation* before they ſhould be admitted to the Execution of that Office: But foraſmuch as by the Death of His moſt Sacred Majeſty King *William* the Third, the Subſcribing

bing the ſaid *Aſſociation* is not neceſſary to be longer continued; Be it therefore Enacted, That ſuch Part thereof, and Clauſe in the before recited Act of Aſſembly, which relates to the Veſtrymens Subſcribing the *Aſſociation*, and no more, is hereby Repealed and made Void.

And be it further Enacted by the Authority and Conſent aforeſaid, That all and every Perſon and Perſons, that are at this preſent Time Veſtrymen in this Province, and all other Perſon or Perſons, that, for the Time to come, ſhall be elected or choſen Veſtrymen, ſhall take the before recited Oath of *Abjuration*; and that it be adminiſtred to them according to the Forms and Methods preſcribed in the aforeſaid Act of Aſſembly for taking the Oaths therein required to be taken: And after the taking ſuch Oath, the Perſon ſo elected or choſen ſhall be deemed and taken as One of the Veſtry, and not before.

Paſs'd June 3*d*, 1715.

No. 56. *An Act Prohibiting the Importation of Bread, Beer, Flour, Malt, Wheat, or other* Indian *or* Engliſh *Grain or Meal, Horſes, Mares, Colts, or Fillies, from* Penſylvania, *and the Territories thereto belonging.*

Be it Enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of His Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That, from and after the End of this Seſſion of Aſſembly, it ſhall not be lawful for any Perſon or Perſons whatſoever to import, or cauſe to be imported, from the Province of *Penſylvania*, or the Territories thereto belonging, or from any other Plantation, or Province, or Colony in this Continent in *America*, into any Part of this Province, by Land or by Water, any Quantity or Quantities of Bread, Beer, Flour, Malt, Wheat, or other *Engliſh* or *Indian* Grain or Meal, Horſe or Horſes, Mare or Mares, nor any Colt, Filly, or Tobacco, (Except Tobacco from *Virginia* to this Place for Loading Ships) on Pain and Penalty, that whoſoever ſhall import, contrary to this Act, any the Things aforeſaid, ſhall loſe and forfeit the ſame; One Half to His Majeſty, His Heirs and Succeſſors, for the Support of the Government of this Province, the other Half to him or them that ſhall ſeize or give Information of the ſame, whereby they may be ſeized.

And be it further Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That every Juſtice of Peace in this Province, in his proper County, and every Naval Officer and Collector, in or out of his Diſtrict, and every Conſtable or Conſtables, in his or their ſeveral and reſpective Hundreds, and every Church-warden or Church-wardens, in his or their ſeveral and reſpective Pariſhes, by Virtue of their Offices and this Act, may lawfully ſeize ſuch Goods and Things, as they find imported contrary to this Act: And if any private Perſon, being none of the Officers aforeſaid, ſhall diſcover any ſuch Goods or Things ſo unlawfully imported, he ſhall inform the next Juſtice of the Peace, who is hereby injoyned and commanded, under the Penalty of One thouſand Pounds of Tobacco, to be forfeited for the Uſe aforeſaid, to direct a Precept to the next Conſtable or Conſtables of ſuch Hundred, where ſuch Things are ſuppoſed to be concealed, thereby commanding, at the Requeſt of ſuch Informer, to make Search for ſuch Things, as aforeſaid unlawfully imported, where ſuch Informer ſhall direct, and the ſame having found, to ſeize and ſecure for the Uſe of His Majeſty and Informer aforeſaid, and the

ſame

ſame to keep for Ten Days, in which Time, if the Owner thereof, or Perſon in whoſe Poſſeſſion found, do not cauſe the ſame to be replevied, and find ſufficient Securities to return the Goods, if it be found they were unlawfully imported, then the Officer that ſeized them, ſhall deliver the ſaid Goods to the Sheriff, who is hereby injoyned to make Sale of them for the Uſe of His Majeſty, and the Informer or Seizer.

AND be it further Enacted by the Authority aforeſaid, That the *Onus probandi* ſhall be on the Part of him that cauſes the ſame to be replevied, to make it appear, in any Court of Record in this Province, that ſuch Things, ſeized as aforeſaid, are not liable to Seizure, as aforeſaid, which if he do, he ſhall be quit, and carry his Goods away; but if he do not, the Seizer ſhall have Judgment to have the Goods and Things by him ſo ſeized, returned; One Half thereof to be delivered to the Informer, and the other Half to remain in the Cuſtody of the Sheriff for the King's Uſe.

PROVIDED, That the ſaid Act, or any thing therein contained, ſhall not extend, or be conſtrued to extend to any Horſe or Horſes brought into this Province by Travellers for their own Uſe only, and not intended for Sale; nor to any Perſon or Perſons that ſhall remove themſelves into this Province with their Families, in Order to ſettle here; nor to Commanders of any of His Majeſty's Ships of War, in Purchaſing or Importing Bread, Beer, Flour, or any manner of *Engliſh* or *Indian* Grain, towards the Supplying the ſaid Veſſels, and not otherwiſe; Any thing in the aforeſaid Act to the contrary notwithſtanding.

Paſs'd June 3*d*, 1715.

An Act for Limitation of certain Actions, for avoiding Suits at Law.

FORASMUCH as Nothing can be more eſſential to the Peace and Tranquility of this Province, than the Quieting of the Eſtates of the Inhabitants thereof, and for the Effecting of which no better Means can be taken than a Limitation of Time for the Commencing ſuch Actions as, in the ſeveral and reſpective Courts within this Province, are brought from the Time of the Cauſe of ſuch Actions accruing; Be it Enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of His Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That all Actions of Treſpaſs, *Quare clauſum fregit*, all Actions of Treſpaſs, Detinue, Sur Trover, or Replevin for taking away Goods or Chattels, all Actions of Account, Contract, Debt, Book, or upon the Caſe, other than ſuch Accounts as concern the Trade of Merchandize between Merchant and Merchant, their Factors and Servants, which are not Reſidents within this Province, all Actions of Debt for Lending or Contract without Specialty, all Actions of Debt for Arrearages of Rent, all Actions of Aſſault, Menaces, Battery, Wounding, and Impriſonments, or any of them, ſhall be ſued or brought by any Perſon or Perſons within this Province, at any Time after the End of this preſent Seſſion of Aſſembly, ſhall be commenced or ſued within the Time and Limitation hereafter expreſſed, and not after; (that is to ſay) The ſaid Actions of Account, and the ſaid Actions upon the Caſe upon Simple Contract, Book, Debt, or Account, and the ſaid Actions for Debt, Detinue, and Replevin for Goods and Chattels, and the ſaid Actions for Treſpaſs, *Quare clauſum*

 fregit,

fregit, within Three Years enſuing the Cauſe of ſuch Action, and not after; and the ſaid Actions, or the Caſe forwards, and Actions of Treſpaſs, of Aſſault, Battery, Wounding, and Impriſonment, or any of them, within One Year from the Time of the Cauſe of ſuch Actions accruing, and not after.

And be it further Enacted by the Authority aforeſaid, That if any Perſon, intituled to any the Action or Actions aforeſaid, ſhall be, at the Time of any ſuch Cauſe of Action accruing, within the Age of One and twenty Years, Feme Covert, *Non compos mentis*, impriſoned, or beyond the Seas, that then ſuch Perſon or Perſons ſhall be at Liberty to bring the ſaid Action or Actions within the reſpective Times before limited, after their coming to, or being of full Age, or ſound Memory, at large, or returned from beyond the Seas, as other Perſons having no ſuch Impediment might or ſhould have done.

And foraſmuch as divers Diſputes formerly aroſe, whether Perſons abſenting the Province, or wandring from County to County, until the Time by the late Act, for the Reaſons and Purpoſes aforeſaid, limited and allowed were expired, ſhould have any Benefit thereby, and different Judgments given thereon in the ſeveral and reſpective Counties within this Province, for that the ſaid Act was altogether ſilent; Be it therefore Enacted by the Authority aforeſaid, That from and after the Publication hereof, no Perſon or Perſons whatſoever, abſenting themſelves out of this Province, or that ſhall remove from County to County after any Debt contracted, whereby the Creditor or Creditors may be at an Uncertainty of finding out the ſaid Perſon or Perſons, or his or their Effects, ſhall have any Benefit by the Limitation or Reſtriction in this Act ſpecified.

Provided always, and it is the true Intent and Meaning hereof, That this Act, or any thing herein contained, ſhall not be conſtrued, reputed, or taken to prejudice or debar any Perſon removing himſelf or Family from one County to another for his Conveniency, or any Perſon leaving this Province for the Time and Term in this Act limited, from the Benefit thereof, he leaving Effects ſufficient and known for the Payment of his juſt Debts, in the Hands of ſome Perſon or Perſons, who will aſſume the Payment thereof to his Creditors; Any thing in this Act contained to the contrary thereof in any wiſe notwithſtanding.

And be it further Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That no Bill, Bond, Judgment, Recognizance, Statute Merchant, or of the Staple, or other Specialty whatſoever (Except ſuch as ſhall be taken in the Name or for the Uſe of our Sovereign Lord the King, His Heirs and Succeſſors) ſhall be good and pleadable, or admitted in Evidence, againſt any Perſon or Perſons of this Province, after the Principal Debtor and Creditor have been both Dead Twelve Years, or the Debt, or any thing in Action above Twelve Years ſtanding: Saving to all Perſons, that ſhall be under the aforementioned Impediment of Infancy, Coverture, Inſanity of Mind, Impriſonment, or being beyond the Seas, the full Benefit of all ſuch Bills, Bonds, Judgments, Recognizances, Statutes Merchant, or of the Staple, or other Specialties, for the Space of Five Years after ſuch Impediment removed; Any thing in this Act beforementioned to the contrary notwithſtanding.

Paſs'd June 3*d*, 1715.

An Act for the Publication of all the Laws within this Province, and for the Recording the ſame in the Secretary's Office; as alſo Tranſmitting the Journals of the Council in Aſſembly, and of the Houſe of Delegates, into the ſaid Office, to the End that no Perſon may be ignorant of the Laws in this Province.

No. 58.

BE it Enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of His Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That from henceforward all the Acts, that ſhall paſs from this and all the ſucceeding Aſſemblies, ſhall be, from time to time, fairly tranſcribed on Parchment, or, for Want thereof, on good Paper, with a Parchment Cover; and by Writ under the Great Seal of this Province, from time to time, by the Keeper of the Seal for the time being, to the Sheriff of each reſpective County, ſhall be tranſmitted; and Commandment to them in the ſaid Writ ſhall be given, the ſaid Acts in their ſeveral and reſpective Counties, at their next County Court to publiſh and proclaim, firmly to be obſerved and kept, and lodged with the Clerk of each reſpective Court for the Uſe thereof.

AND be it further Enacted by the Authority aforeſaid, That every ſeveral and reſpective County ſhall, from time to time, pay to the Chancellor for the time being, for ſuch Tranſcript of the Laws, ſo much Tobacco as, by the ſaid General Aſſembly in which the ſaid Laws are made, ſhall be aſſeſſed and allowed.

PROVIDED always, That becauſe there is not Parchment now to be had in the Province for Tranſcribing the Laws of this preſent Seſſion, to be ſent to the Counties, That for this Seſſion only good Paper ſhall be accepted to tranſcribe the ſeveral Laws therein.

AND be it further Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, that all the Acts of Aſſembly, which ſhall be Enacted this preſent Seſſion and all the ſucceeding Seſſions of Aſſembly, ſhall, within Ten Days after the End of each Seſſion, be tranſmitted into the Secretary's Office; and the Secretary for the time being, ſhall, upon Receipt of the ſaid Acts into his Office, cauſe the ſaid Acts to be entred upon Record in a very fair Hand, and in a good ſubſtantial Book, with Leather or Parchment Cover, with large Margin, and alſo alphabet the ſaid Book in good Order, and affix the Seal of his Office thereto: And the Clerk or Clerks, that do record the ſaid Acts, ſhall make Oath before the Governor of this Province for the time being, or before One of His Majeſty's Council, or Two of the Juſtices of the Provincial Court, that he or they have carefully examined the Record of the ſaid Acts by the Original Acts, which have paſſed the Great Seal: All which ſhall be done within Six Months ſucceſſively after the End of each Seſſion. And in caſe the Secretary ſhall not purſue the Directions of this Act, but ſhall make Default, he ſhall forfeit the Sum of Ten thouſand Pounds of Tobacco for every ſuch Neglect; the One Half thereof to His Majeſty, His Heirs and Succeſſors, for the Support of the Government of this Province, and the other Half to the Informer, or him or them that ſhall ſue for the ſame, to be recovered in any Court of Record within this Province, by Bill, Plaint, or Information, wherein no Eſſoign, Protection, or Wager of Law to be allowed.

AND be it Enacted by the Authority aforeſaid, That the Clerk of the Council in Aſſembly for the time being, and the Clerk of the Houſe of Delegates for the time being, ſhall tranſcribe the reſpective Journals of the Council in Aſſembly, and of the ſaid Houſe, into Two ſeveral fair Books, and in a good fair legible

legible Character, within Two Months after the End of each Seſſion, and ſhall tranſmit the ſame ſo tranſcribed into the Secretary's Office, there to remain, and the Secretary is required by this Act to receive the ſame accordingly; and the Clerk or Clerks making Default, ſhall forfeit Five hundred Pounds of Tobacco each for every Offence; the One Half to His Majeſty, His Heirs and Succeſſors, for the Support of the Government of this Province, and the other Half to him or them that ſhall ſue for the ſame, to be recovered as aforeſaid.

AND be it Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That the Secretary ſhall be allowed for Recording the ſaid Acts, in the Publick Levy, ſo much as the General Aſſembly ſhall think the ſaid Secretary ſhall reaſonably deſerve.

Paſs'd June 3*d*, 1715.

An Act for Puniſhing the Offences of Adultery and Fornication.

BE it Enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of His Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That after the End of this Seſſion of Aſſembly, whoſoever ſhall directly or indirectly entertain, provide for, or cauſe to be entertained or provided for, any Lewd Woman or Women, or that ſhall frequent her or their Company after that Admonition to him or them be given by the Miniſter, or the Veſtry, or the Church-warden or Church-wardens of the Pariſh where ſuch Perſon or Perſons ſhall inhabit, ſhall be adjudged a Fornicator or Adulterer, as the Caſe ſhall be, and ſhall ſuffer ſuch Penalties, as by this Law is hereafter appointed.

AND be it further Enacted by the Authority, Advice and Conſent aforeſaid, That every Perſon or Perſons, that ſhall commit Fornication, and be thereof convicted in the Provincial or County Court, either by Confeſſion or Verdict of Twelve Men, ſhall be fined Thirty Shillings current Money of this Province, or Six hundred Pounds of Tobacco, by the Juſtices before whom ſuch Conviction ſhall be, to the King's Majeſty, His Heirs and Succeſſors, for the Support of the County Charge.

AND be it Enacted by the Authority, Advice and Conſent aforeſaid, That every Perſon or Perſons, that ſhall commit Adultery, and ſhall be thereof convict, either by Confeſſion or Verdict of Twelve Men, either in the Provincial, or any of the County Courts of this Province, ſhall be fined by the Juſtices before whom ſuch Conviction ſhall be, Three Pounds current Money, as aforeſaid, or Twelve hundred Pounds of Tobacco, to the King's Majeſty, His Heirs and Succeſſors, towards Defraying ſuch County Charge, as aforeſaid. And in Caſe the ſaid Offenders, or any of them, ſhall not have wherewith to pay the ſeveral Fines by this Act impoſed, then the ſaid Offenders ſhall be adjudged to ſuffer Corporal Puniſhment, by Whipping upon his or their bare Bodies till the Blood do appear, ſo many Stripes, not exceeding Thirty nine, as the Juſtices, before whom ſuch Conviction ſhall be, ſhall adjudge.

PROVIDED, That this Act ſhall not be conſtrued to extend as to the Fine to Women, who have Baſtards, and do refuſe to diſcover the Father or Begetter of ſuch Children; but that in ſuch Caſes it ſhall be at the Diſcretion of the Juſtices, before whom ſuch Woman or Women ſhall be convicted, either to take the Fine by this Act appointed, or to award Corporal Puniſhment; Any thing in this Act before to the contrary notwithſtanding.

AND

And for the Aſcertaining what Women ſhall be accounted Lewd, Be it Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That it ſhall and may be lawful for the Miniſter, Veſtry, and Church-wardens of any Pariſh, where there is a Miniſter, and for the Veſtry and Church-wardens where there is no Miniſter, before any Admonition by them, or any of them given, in Purſuance of the Directions aforementioned, to give Notice, or cauſe Notice to be given to any Perſon or Perſons by them, or the major part of them, ſuſpected of Lewdneſs or Incontinency, and being or reſiding within their reſpective Pariſhes, to appear before them, or the major Part of them, at ſuch Time and Place, as they, or the major Part of them, ſhall appoint; and on the Appearance of ſuch Perſon or Perſons, to acquaint them of the Suſpicion that is had of them; and to hear what reaſonable Excuſe ſuch Perſons ſhall offer, why they ought not to be proceeded againſt, according to Law, as Fornicaters or Adulterers, as the Caſe ſhall happen: And in Caſe the Perſon or Perſons having ſuch Notice given them, ſhall not appear according to ſuch Notice, on Affidavit of ſuch Notice given, or appearing, do not excuſe or acquit themſelves of the Grounds of Suſpicion, in ſuch Manner as ſuch Miniſter, Veſtry, and Church-wardens, as aforeſaid, ſhall approve, that then it ſhall and may be lawful for ſuch Miniſter, Veſtry, and Church-wardens, or the major Part of them, as aforeſaid, and they are hereby required to admoniſh ſuch Perſon or Perſons according to the Directions aforementioned; which Admonition, together with Proof of the Cohabitation of the Parties ſo admoniſhed, or their frequenting the Company of each other contrary to, and after ſuch Admonition given, ſhall be ſufficient Evidence in any Court of this Province, to convict the Perſons ſo cohabiting or frequenting each others Company, after Admonition given, as aforeſaid, of Fornication or Adultery, as the Caſe ſhall happen, and ſubject them to the Penalties beforementioned; Any Law, Statute, or Cuſtom to the contrary notwithſtanding.

Paſs'd June 3*d*, 1715.

An Act directing the Manner of Suing out Attachments in this Province, and Limiting the Extent of them. N° 60.

WHEREAS it is highly expedient to ſettle the Manner of Proceedings on Attachments, and limiting the Extent of them, and to provide what ſhall be levied on ſuch Attachments and Executions; Be it Enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of His Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That from henceforth no Attachment ſhall iſſue out of any Court of this Province, before a Writ or Summons be firſt made out; upon which Writ, if the Party Defendant be an Inhabitant or Reſident within this Province, and the Sheriff ſhall return a *Non eſt inventus*, one other Writ or Summons ſhall thereupon, in Manner aforeſaid, iſſue forth againſt the ſaid Defendant; and if the Sheriff ſhall upon the Second Writ or Summons return a *Non eſt inventus* likewiſe, an Attachment ſhall and may, in Manner and Form hereafter ſet down, be awarded; and in Caſe any Writ or Summons ſhall iſſue forth of any His Majeſty's Courts within this Province, againſt any Perſon or Perſons abſent out of this Province, in ſuch Caſe, upon the Return of a *Non eſt inventus* by the Sheriff on ſuch Writ or Summons, and the Party Plaintiff his leaving with the Attorney of ſuch abſent Defendant (if he hath left any Attorney) a Copy of his Declaration, or ſhort Note, expreſſing the

Cauſe of Action; or if he hath left no Attorney, then the Plaintiff leaving a Copy of the ſaid Declaration, or ſhort Note, expreſſing the true Cauſe of Action, at the Houſe where the ſaid Defendant abſent did laſt reſide or dwell, and making ſuch Proof of his Action, as the ſaid reſpective Courts ſhall think fit, it ſhall and may be lawful for the Juſtices of the ſaid Courts to award an Attachment againſt the Goods, Chattels, and Credits of the ſaid abſent Defendant, ſo as aforeſaid proſecuted, and not appearing to the ſaid Action, which are or ſhall be in the Hands and Poſſeſſions of any Perſon or Perſons whatſoever, yea, even in the Plaintiff's own Hands, for the Defendant's Uſe, in this Province; in which ſaid Attachment there ſhall be a Clauſe commanding the Sheriffs of the reſpective Counties, at the Time of the Executing the ſaid Attachments, to make known to each Perſon or Perſons, in whoſe Hands or Poſſeſſion the ſaid Goods, Chattels, and Credits, ſo attached are, if to him or them it ſhall ſeem meet, to be and appear on the Return of ſuch Attachment, before the Juſtices of the reſpective Courts, out of which the ſaid Attachments are iſſued, to ſhew Cauſe why ſuch Goods, Chattels, or Credits, ſo attached as aforeſaid, ſhould not be condemned, and Execution thereof had and made, as in other Caſes of Recoveries and Judgements given in Courts of Record; at which Day of Return of the ſaid Attachments, if the ſaid Defendant ſhall not then appear, nor the Garniſhee in whoſe Hands the aforeſaid Goods, Chattels, and Credits of the Defendant were attached, to ſhew Cauſe to the contrary, the reſpective Courts ſhall and may condemn the ſaid Goods, Chattels, and Credits, ſo as aforeſaid, attached, and award Execution thereof to be had and made by *Capias ad ſatisfaciendum*, *Fieri facias*, or otherwiſe, as in other Judgments, he the ſaid Plaintiff ſo Proſecuting, as aforeſaid, giving good and ſufficient Security before the Juſtices of each reſpective Court, to and for the Uſe of the ſaid Defendant, ſo as aforeſaid, being not found within this Province, to make Reſtitution of the ſaid Goods, Chattels, or Credits, ſo as aforeſaid, condemned, or the Value thereof, if the Defendant ſo as aforeſaid proſecuted, ſhall, at any Time within One Year and a Day, to be accounted from the ſaid Attachment awarded, come in, and either in Perſon, or by Attorney, appear to the ſaid Original Action, and make it appear that the ſaid Plaintiff hath been and is ſatisfied and paid the Debt or Demand in the ſaid Action, or ſhall otherwiſe in Court diſcount or bar the ſaid Plaintiff of the ſame, or any Part thereof; which ſaid Condemnation and Execution of the ſaid Goods, Chattels, or Credits of the ſaid Defendant in the Hands of the Garniſhee or Garniſhees, as aforeſaid, had and made, ſhall be ſufficient and pleadable in Bar by the ſaid Garniſhee or Garniſhees in any Action brought againſt him or them by the ſaid Defendant for the ſame.

PROVIDED always, That no Sheriff ſhall levy by way of Execution, as aforeſaid, againſt the ſaid Garniſhee or Garniſhees, any more than the Plaintiff's Debt and Coſt; nor againſt any Garniſhee or Garniſhees, than what the ſaid Plaintiff in the ſaid Action ſhall make appear to the ſaid reſpective Courts to be of the ſaid Goods, Chattels, and Credits of the ſaid Defendant in each reſpective Garniſhee or Garniſhees Hands, together with ſuch Coſts only, as the Garniſhee or Garniſhees ſhall put the Plaintiff to by denying him or themſelves to be indebted to ſuch Defendant, and conteſting the ſame.

PROVIDED alſo, That no Sheriff in any County within this Province ſhall, by any Attachment, or any other Execution had upon ſuch Attachment, or any other Execution whatſoever, levy, ſeize, or take the Goods and Chattels of any the Inhabitants of this Province, ſo far as to deprive them of all Livelihood for the future, but that Corn for neceſſary Maintenance, Bedding, Gun, Ax, Pot, and Labourers neceſſary Tools, and ſuch like Houſhold Impliments, and Ammunition for Subſiſtence, ſhall be protected from all Attachments and Executions whatſoever.

PROVIDED alſo, That ſuch as ſhall be found, by poſitive Proof, or other Circumſtances, wilfully to abſent themſelves or abſcond in the Woods, or elſewhere, from the Sheriff's Sight, whereby they cannot be found to be brought to Trial, and ſuch alſo, as ſhall be abſent by Flight or Preſcription out of this Province, to be averred upon Oath, ſhall have no Benefit of any favourable Interpretation of this Law.

AND be it Enacted by the Authority aforeſaid, That from henceforth any Perſon or Perſons, having obtained a Judgment in any Court of this Province, or that ſhall hereafter obtain a Judgment in any Court of this Province, againſt any Perſon or Perſons, it ſhall and may be lawful to and for the ſaid Plaintiff in the ſaid Judgment, at his Will and Pleaſure, inſtead of any other Execution, without thoſe previous Requiſites, as above in this Act preſcribed and directed, to take out an Attachment againſt the Goods, Chattels, and Credits, of the ſaid Defendant in the ſaid Judgment, in the ſaid Plaintiff's own Hands, or in the Hands of any other Perſon or Perſons whatſoever; which ſaid Attachment ſhall likewiſe have the Clauſe aforeſaid, commanding the Sheriff of the ſaid County, to whom it ſhall be directed at the Time of Executing the ſaid Atrachment, to make known to ſuch Perſon or Perſons, in whoſe Hands or Poſſeſſion the ſaid Goods, Chattels, and Credits of the abſent Defendant ſhall be attached, that he or they be and appear at the reſpective Courts, at the Day of the Return of the ſaid Attachment, to ſhew Cauſe (if they have any) why the ſaid Goods, Chattels, and Credits, ſo as aboveſaid in their Hands attached, ſhould not be condemned, and Execution thereof had and made, as in other Caſes of Recoveries and Judgments given in the Courts of Record; at which Day of the Return of the ſaid Attachment, if the ſaid Defendant ſhall not then appear, nor the ſaid Garniſhees, in whoſe Hands the ſaid Goods, Chattels, and Credits of the ſaid Defendant were attached, to ſhew ſufficient Cauſe to the contrary, the ſaid reſpective Courts ſhall and may condemn the ſaid Goods, Chattels, and Credits aforeſaid, ſo as aforeſaid attached, and award Execution thereof to be had and made, either by *Capias ad ſatisfaciendum*, *Fieri facias*, or otherwiſe, as the ſaid Plaintiff might have had againſt the Defendant himſelf on the Judgment aforeſaid; which ſaid Condemnation and Execution of ſuch Goods, Chattels, and Credits of the ſaid Garniſhee, as aforeſaid, had and made, ſhall be ſufficient and pleadable in Bar by the ſaid Garniſhee or Garniſhees in any Action againſt him or them by the ſaid Defendant for the ſame.

Paſs'd June 3*d*, 1715.

An Act for the better Adminiſtration of Juſtice in Teſtamentary Affairs, granting Adminiſtrations, Recovery of Legacies, Securing Filial Portions, and Diſtribution of Teſtamentary Eſtates. No. 61.

WHEREAS for due Adminiſtration of Juſtice, it is moſt neceſſary, that the Wills of all Perſons may be duly proved and executed, and Letters of Adminiſtration of the Eſtates of all Perſons dying without Wills may be granted to ſuch Perſons, who have the beſt Right to ſucceed thereto, and all Legacies ſpeedily recovered, and Filial Portions and Orphans Eſtates duly ſecured, and eaſily obtained, according to Law and Juſtice; Be it Enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of His Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of

of the ſame, That the Judge or Commiſſary General for Probate of Wills, and granting Adminiſtration, ſhall hold his Court once in Two Months at the leaſt, or oftner, as the Caſe ſhall require; and therein ſhall proceed according to the Laws of *England* now in Force, or hereafter to be in Force, within Twelve Months after ſuch Laws ſhall be publiſhed in the Kingdom of *Great Britain*, if pleaded before him; Saving in ſuch Caſes as by this preſent Act is provided. And it ſhall and may be lawful for the Judge for Probate of Wills to take the Probate, or cauſe to be proved any Laſt Will and Teſtament within this Province, although the ſame concerns Titles of Land; Any Law, Statute, Uſage or Cuſtom to the contrary notwithſtanding.

AND to the End that all Filial Portions may be ſecured to the Children of all Perſons dying Inteſtates, and Legacies paid to Legatees of Perſons making Wills or Teſtaments; Be it likwiſe Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, Firſt, That the Judge for Probate of Wills, and granting Adminiſtrations, ſhall cauſe all Executors and Adminiſtrators to exhibit Inventories within Three Months, and render Accounts within Twelve Months next after Adminiſtration committed, of the Perſonal Eſtates of ſuch deceaſed Perſons; and if any Adminiſtrator ſhall fail to exhibit ſuch Inventory, or give an Account within the Time aforeſaid, being lawfully thereunto cited, that then the ſaid Judge (if he ſee juſt Cauſe) may iſſue forth Proceſs of Attachment againſt ſuch Adminiſtrator, to oblige him, her, or them, as well to exhibit an Inventory, or render Account as aforeſaid, as to anſwer for his, her, or their Contempt of ſuch former Proceſs, after the uſual Manner: And in Caſe ſuch Adminiſtrator ſhall not render ſuch Account, or exhibit ſuch Inventory, until Two ſeveral Attachments ſhall be returned to Two ſeparate Courts againſt ſuch Adminiſtrator, either that the Adminiſtrator hath been attached, or is not found in the County where they live, It ſhall and may be lawful for the ſaid Judge to revoke the firſt Letters of Adminiſtration to ſuch Adminiſtrator committed, and ſhall grant Adminiſtration *De bonis non adminiſtratis* to ſuch as ſhall have the next Right to ſuch Adminiſtration, which ſaid Adminiſtrator ſhall be duly qualified as uſual, and give Security, as all other Adminiſtrators do, and ſhall ſue and implead the former Adminiſtrator before the Judge aforeſaid, for the exhibiting an Inventory, and rendring an Account of the Eſtate of the Inteſtate, or (if he ſhall ſee fit) ſhall make Application to ſuch Judge or Commiſſary General, for the Aſſignment of the Bond entred into by the former Adminiſtrator and his Sureties, and ſhall or may put the ſame Bond in ſuit againſt ſuch Adminiſtrator and his Sureties (if Need be) to be relieved thereon for any Neglect or Mal-Adminiſtration by ſuch former Adminiſtrator done or ſuffered of ſuch deceaſed Perſons Eſtates.

AND be it further Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That when a full Account is made by any Adminiſtrator of any Inteſtate's Eſtate, the Judge aforeſaid ſhall make or cauſe to be made Diſtribution of the Surpluſage of ſuch Eſtate, in Manner and Form following, (that is to ſay) One Third Part of the ſaid Surpluſage to the Wife of the Inteſtate, and all the Reſidue by equal Portions to and amongſt the Children of ſuch Perſons dying Inteſtate, and ſuch Perſons as legally repreſent ſuch Children in Caſe any of the Children be then Dead, other than ſuch Child or Children, not being Heir at Law, or who ſhall have any Eſtate by the Settlement of the Inteſtate, or ſhall be advanced by the Inteſtate in his Life-time, by Portion or Portions equal to the Share which ſhall by ſuch Diſtribution be allotted to the other Children, to whom ſuch Diſtribution is to be made. And in caſe any Child (other than the Heir at Law) who ſhall have any Eſtate by Settlement from the ſaid Inteſtate in the his Life-time, by Portion not equal to the Share which will be due to the other Children by ſuch Diſtribution, as aforeſaid, then ſo much of the Surpluſage of the Eſtate of ſuch Inteſtate to be diſtributed to ſuch Child or Children, as ſhall have any Land by Settlement from the

Inteſtate,

Inteſtate, or were advanced in the Life-time of the Inteſtate, as ſhall make the Eſtate of all the ſaid Children equal, as near as can be eſtimated: But the Heir at Law, notwithſtanding any Land that he ſhall have by Deſcent, or otherwiſe, from the Inteſtate, is to have an equal Part in the Diſtribution with the reſt of the Children, without any Conſideration of the Value of the Land which he hath by Deſcent, or otherwiſe, from the Inteſtate: And in caſe there be no Child or Children, nor any legal Repreſentatives of them, then One Moiety of the ſaid Eſtate to be allowed to the Wife of the Inteſtate, the Reſidue of the ſaid Eſtate to be diſtributed equally to every of the next of Kindred of the Inteſtate, who are in equal Degree, and thoſe who legally repreſent them; (provided there be no Repreſentatives admitted amongſt Collaterals after Brothers and Siſters Children) and in caſe there be no Wife, then all the ſaid Eſtate to be diſtributed equally to and amongſt the Children; and in caſe there be no Children, to the next of Kindred, in equal Degree, of or unto the Inteſtate, or their legal Repreſentatives, as aforeſaid: And after ſuch Diviſion or Diſtribution made, or cauſed to be made, by the Judge aforeſaid, the ſaid Judge ſhall tranſmit the Account thereof (if not before tranſmitted) to the ſeveral and reſpective Juſtices of the County Courts, where the ſaid Eſtates ſhall be and remain: And if any Part thereof belong to an Orphan, who is capable of chuſing his Guardian, ſuch Orphan ſhall be called to Court, and ſhall then and there chuſe his Guardian, into whoſe Hands the ſaid Orphan's Eſtates ſhall be committed; but if ſuch Orphan be not at Age, then the Juſtices aforeſaid ſhall put the Perſons, Lands, Goods and Chattels of the ſaid Orphans in the Hands of ſuch Perſon or Perſons, as they ſhall think fit, and take a Bond, with Two ſufficient Sureties, in the Names of the Orphans themſelves, for the Securing and Delivering of the ſaid Eſtate to ſuch Orphans, or their Guardians, when thereunto lawfully called, according to the Rules and Directions by this Act preſcribed, and not otherwiſe; which Rules ſhall be Rules not only for the Juſtices of the County Courts to proceed by in taking the Accounts of Guardians or Truſtees for Orphans, but alſo for the Judge for Probate of Wills, and granting Adminiſtrations in the Accounts of Adminiſtrators and bare Executors to the Benefit of others; nor ſhall the Judge give any other Allowance to any Adminiſtrator or Adminiſtrators upon his, her, or their Accounts, but for Debts (*bona fide*) owing from the Deceaſed, and really paid, or ſecured to be paid, by the ſeveral and reſpective Adminiſtrators, together with the neceſſary Charges.

Firſt, No Negro, or other Slave, ſhall be ſold or diſpoſed of by any Adminiſtrator for Payment of Debts, or otherwiſe reſerved for the Adminiſtrator's own Uſe, in Satisfaction of any Debts due to the ſaid Adminiſtrator, nor any Execution ſerved upon any Negro, or other Slave, ſo long as there ſhall be other Goods of the Deceaſed ſufficient to ſatisfie the juſt Debts of the ſaid Deceaſed; but ſhall be kept upon the Hazard of the Eſtate, and employed for the Benefit of the Creditors and Orphans (if any be) until the Crop that was upon Hand, or ſhall have been begun in the Life-time of the Deceaſed, ſhall be finiſhed, which ſhall always be deemed to be the laſt Day of *January* next after ſuch Inteſtate's Deceaſe, after which the Adminiſtrator is to account for the Eſtate; and ſuch Crop ſhall be Aſſets to the Creditors, and divideable between the Wife and Child, or Children, or Relations of the ſaid Deceaſed, if there be no Creditors: And the Judge for Probate of Wills, upon paſſing the Accounts by ſuch Adminiſtrator, ſhall allow him his reaſonable Charges expended in finiſhing ſuch Crop.

Secondly, That no Account be allowed for Diet, Clothes, or Phyſick, to any Adminiſtrator or Guardian to any Orphan againſt the Eſtate of the Inteſtate, or againſt the Filial Portion of any Child committed to any Guardian or other

PH
MVSEVM
BRITANNICVM

Perſon intruſted by the County Courts; but the ſaid Orphans ſhall be maintained and educated by the Intereſt of their Eſtates, and the Increaſe of their Stocks, ſo far forth as their ſaid Intereſt and Increaſe will extend unto; but if the Eſtate be ſo ſmall, that the Intereſt or Increaſe thereof will not extend to a free Education and Maintenance of ſuch Orphans, then ſuch Orphans ſhall be bound Apprentices to Mariners, or ſome Handicraft Trade, or other Perſon, at the Diſcretion of the County Courts, until they arrive to the Age of Twenty one Years, except ſome Kinſman or Relation, or ſome other charitable Perſon, will maintain and educate them for the Increaſe of the ſmall Eſtate they have, without any Diminution of the Principal, which ſhall always be delivered to the Orphans at the Years hereafter in this Act limited and appointed; then ſuch Kinſman, Relation, or other charitable Perſon, is thereby obliged to perform what is by this Law before enjoyned, and to be aſcertained by the County Courts. Provided always, That where any Perſon being a Proteſtant, ſhall die, and leave a Widow and Children, and ſuch Widow ſhall intermarry with any Perſon of the Romiſh Communion, or be herſelf of that Opinion and Profeſſion, it ſhall and may be lawful for His Majeſty's Governor and Council within this Province, upon Application to them made, to remove ſuch Child or Children out of the Cuſtody of ſuch Parents, and place them where they may be ſecurely educated in the Proteſtant Religion, and to order ſuch reaſonable Maintenance for ſuch Child or Children ſo removed out of the Eſtate or Eſtates belonging to ſuch Child or Children in whoſe Hands ſoever, having Reſpect that only the Yearly Profits and Increaſe thereof be applied thereto, and ſuch Childrens Eſtates be not diminiſhed thereby.

Thirdly, That all Cattle, Horſes, and Sheep, ſhall be returned in kind by the Guardians, or other Perſons inſtruſted with Orphans Eſtates; (that is to ſay) ſo many Cattle, Horſes, and Sheep, as were delivered to the Guardians or Truſtees of the Orphans, and as near as can be of like Value.

Fourthly, That all Money, Plate, Rings, and Jewels, be preſerved, and not uſed by the Guardians or Truſtees, and delivered to the Orphans when they come to Age; and that all Houſhold-Stuff and Lumber be appraiſed in Money, and not otherwiſe, and the Value thereof paid to the Orphans, as aforeſaid, either in Money, according to the Appraiſement, or in Tobacco, at the then Price Current; and in caſe any Difference ſhall ariſe what ſhall be the Price Current at the Day of Payment limited in the Bond taken, the Juſtices of the County Court where the Orphan's Eſtate doth lie, ſhall then determine what ſhall be the Price Current.

Fifthly, That every Male Orphan ſhall be of full Age to receive his Eſtate from his Guardian at the Age of Twenty one Years, and not before; but in caſe any Perſon by his Laſt Will and Teſtament appoint any Perſon to be his Executor or Executrix, that is full Seventeen Years of Age, that Perſon ſo appointed, ſhall be adjudged to be of ſufficient Age to be Executor or Executrix; and if ſuch Executor or Executrix be under the Age of Seventeen Years, the Adminiſtration ſhall then be committed to ſuch other proper Perſon as the Judge for Probate of Wills, and granting Adminiſtrations, ſhall legally approve of, *durante Minoritate*, to the Profit, Uſe, and Behoof of the Infant Executor or Executrix, and not otherwiſe, nor in any other Manner. And foraſmuch as the Right to Adminiſtration of the Goods of Perſons Inteſtate may fall upon Perſons under the Age of Seventeen Years, it is hereby declared, that as they are with like Reaſon, ſo they are within like Law with Infant Executors.

Sixthly,

Sixthly, That every Female Orphan ſhall be accounted of full Age to receive her Eſtate at the Age of Sixteen Years, or Day of Marriage, which ſhall firſt happen.

Seventhly, That all Negroes, and other Slaves, after the Tranſmitting the Eſtate to the County Courts, as aforeſaid, ſhall be appointed to the Guardian or Truſtees, and preſerved by them, and be employed to the ſaid Guardian's or Truſtee's Uſe and Benefit; and the like Number of Slaves, and of the like Ability of Body, be returned to the ſaid Orphans out of their Increaſe, or otherwiſe, at their full Age by this Law limited: And if any of the ſaid Slaves be grown aged, or otherwiſe impotent, or be lamed, and that the Increaſe will not make the Original Stock good as to the Number and Ability of Body, that then they ſhall be again appraiſed by the ſaid County Courts, and the Guardians or Truſtees ſhall pay to the Orphans ſo much Money or Tobacco, as the County Courts ſhall adjudge the Orphan's Stock of Negroes then to be of leſs Value than they were at the time of their firſt Appraiſement, and Delivery of their ſaid Slaves to the ſaid Guardians or Truſtees; but in caſe no Guardian or other Perſon will upon thoſe Terms accept of thoſe Slaves, then it ſhall and may be lawful for the ſaid ſeveral and reſpective County Courts to put the ſaid Slaves out upon other Terms to any other Perſon, ſo that the ſaid Original Stock of Slaves be not ſold, nor any of their Increaſe, but in the beſt Manner preſerved for the Orphans, till they come to their ſeveral Ages by this Act limited and appointed, to the Intent they may have their firſt Stock made good to them in Number, Value, and Ability of Body, if it may be.

Eighthly, That all Servants for Years be likewiſe returned in kind to the Orphans at their full Age, (that is to ſay) The ſame Number of the ſame Age and Sex, and by like Number of Years to ſerve, and of the ſame Ability of Body, as near as can be eſtimated, as the Servants were when received by the Guardian or Truſtee.

And to the End that after all Accounts or Diſtributions made, as aforeſaid, the Balance of ſuch Account, or the Diſtribution of ſuch Balance may not be neglected to be tranſmitted to the ſeveral and reſpective Juſtices of the County Courts, as before is directed; Be it Enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent aforeſaid, That if ſuch Judge for Probate of Wills, Commiſſary or Commiſſaries General, ſhall not, within Three Months after ſuch Account made up, exhibited and paſt in his Office, or after Diſtribution made by him, as aforeſaid, tranſmit the Balance or Account thereof, as before by this Act is directed, to the ſeveral and reſpective Juſtices of the County Courts, where the Eſtate ſhall be and remain, he or they ſhall forfeit and pay to our Sovereign Lord the King, His Heirs and Succeſſors, the Sum of Ten thouſand Pounds of Tobacco; of which One Moiety for the Support of Government of this Province, the other Moiety to him or them that ſhall ſue for the ſame, to be recovered by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoign, Protection, or Wager of Law to be allowed.

Ninthly, Whereas every Adminiſtrator in an Inventory inſerts what Debts are Sperate, and what Debts are Deſperate, the Judge for Probate of Wills ſhall tranſmit thoſe Deſperate Debts of the Eſtate to the ſeveral and reſpective Juſtices of the County Courts where the Eſtate ſhall lie, to the End the ſaid Juſtices may enquire whether the Adminiſtrator by Fraud, or otherwiſe, hath neglected to recover the ſame, or hath received, and never accounted for the ſame; and ſhall, with the Reſidue of the ſaid Eſtate, commit the ſaid Deſperate Debts to the Care of the ſaid Guardian, or other Truſtees by them employed; and ſhall yearly and every Year call the ſaid Guardians to Account for

for the ſame, and duly inſpect what of the ſaid Debts they have received, or might have received; and if the ſaid Guardian or Truſtee fail to give in his Account yearly, or by Fraud or Covin neglect or forbear to recover the ſame, the ſaid Guardian or Truſtee ſhall ſtand and be accountable for every ſuch Debt by him received, and not accounted for, or neglected, or forborn to be recovered, under the Penalty of Five hundred Pounds of Tobacco, each Juſtice preſent in Court; One Half to His Majeſty, the other Half to the Informer, or him or them that ſhall ſue for the ſame, to be recovered as aforeſaid.

Tenthly, That the Juſtices of the County Courts take able and ſufficient Security for Orphans Eſtates, and enquire yearly of the Security; and if there be juſt Cauſe, that they require new and better Security, and upon Refuſal to give new and better Security, that they remove the Orphans Eſtates out of their Hands: And further, that the Juſtices of the County Courts ſhall Yearly in *June* Court enquire by a Jury of good and lawful Men, to be ſummoned out of the ſeveral Hundreds of the County, not under the Number of Twelve, who upon their Oaths ſhall enquire according to the Form hereafter expreſſed, (*viz.*) Whether the Orphans be kept, maintained, and educated according to their Eſtates, and whether Apprentices are taught their Trades, or rigorouſly uſed, and turned to Common Labour at the Ax or Hoe, inſtead of learning their Trades; and if they find that Orphans are not maintained and educated according to their Eſtates, or Apprentices neglected to be taught their Trades upon Pretence that the laſt Year is enough to learn their Trades, that they remove them to other Guardians and Maſters; and in caſe the Jury find that any Apprentice is not taught his Trade, but put to other Labour, as aforeſaid, the County Court ſhall condemn the Maſter of ſuch Apprentice to make the Apprentice ſuch Satisfaction, as in Juſtice his Years of Labour, or other Work, ſhall deſerve.

Eleventhly, That the Juſtices of the County Courts cauſe the Conditions of the Bonds they take from Guardians or Truſtees of Orphans Eſtates to be exactly drawn according to this Act, and recorded in the County Court, and the Indentures for Apprentices likewiſe, that it may duly appear to the Juſtices, whether Guardians, Truſtees, and Maſters do right and Juſtice to Apprentices and to the Country, and that the Juſtices do Right between them; and to that End that they cauſe the Clerk of their County to preſent the Jury with a Liſt of the Orphans and Apprentices of their County every *June* Court.

Twelfthly, And for better Aſcertaining what Salaries ſhall be allowed Executors and Adminiſtrators upon their Account of Adminiſtration by the Commiſſary General of this Province, for the Pains and Trouble, Hazards and Adventures, in adminiſtring Eſtates; Be it Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That for every Sum or Sums of Money, Quantity or Quantities of Tobacco, or other Goods or Chattels, that ſhall be, *bona fide*, paid by Executors or Adminiſtrators, the Commiſſary General ſhall allow the Executors or Adminiſtrators the Salary of Ten *per Cent.* Except as is hereafter excepted.

And be it further Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That if the Reſiduary Legatees of any Perſon or Perſons dying within this Province, and making a Will, or the next of Kindred to any Perſon or Perſons dying Inteſtate in this Province, and who ought to have the Reſidue of ſuch deceaſed Perſon's Eſtate, do dwell in *England*, or other Parts of His Majeſty's Dominions out of this Province, ſo that the Executor or Adminiſtrator convert the Reſidue of all the Real and Perſonal Eſtate (after Debts and Legacies here paid) into Money or other Effects,

Effects, for the beſt Advantage of the Perſons to whom due, and return the ſame to ſuch reſiduary Legatees or Kindred, as aforeſaid, that then the Commiſſary General ſhall allow to ſuch Executor or Adminiſtrator the uſual Salary allowed by Merchants to their Factors, (*viz.*) Ten *per Cent.* And whereas it ſometimes happens, that Perſons of great Dealing, dying in this Province, have their Books very imperfect, ſo that it cannot be exactly known what Debts are due upon ſuch Books, unleſs the Executor or Adminiſtrator takes the Pains to carry about ſuch Books from one ſuppoſed Creditor to another, to ſtate the Accounts, which many times proves a conſiderable Toil to the Executor and Adminiſtrator, and requires a very great deal of Trouble and Charge, and many times there appear Diſcounts or Defeazances, or Receipts, to debar ſuch Book-Debts, or the Debtors, where the Accounts are old, are inſolvent, or the like; and the Executors or Adminiſtrators for ſuch their great Pains and Diligence have hitherto had no Allowance: Therefore, leſt it ſhould be a Diſcouragement to Executors and Adminiſtrators, that having no Salary therefore, they ſhould be negligent or too ſparing of Pains to improve the Teſtators, or others Eſtates; Be it Enacted by the Authority, Advice and Conſent aforeſaid, That where the Executor or Adminiſtrator can fairly make appear to the Commiſſary General, that he hath had ſuch conſiderable Toil, as aforeſaid, and no Benefit hath ariſen to him thereby to recompence his ſaid Toil, it may be lawful to and for the ſaid Commiſſary General to allow ſuch Executor or Adminiſtrator ſomething in the whole for ſuch Pains and Deſperate Debts, at the Deſcretion of ſuch Commiſſary General, not exceeding Five *per Cent.* on any One Man's Eſtate; but for ſuch Part of the Deceaſed's Eſtate, that ſhall remain (after all Debts and Charges paid and diſburſed, and Account paſt before the Commiſſary General) to reſiduary Legatees, or other Legatees, or next of Kindred, and delivered to them in Specie, without traverſing the Eſtate, and converting it into Money or Tobacco for that Purpoſe, there ſhall be no Salary allowed; Any Uſage, Cuſtom, or former Act of Aſſembly, to the contrary notwithſtanding.

Thirteenthly, And further, in Regard by the Judges or Commiſſary General for Probate of Wills, and granting Adminiſtrations, his Commiſſion there is a Saving to all Perſons their Right of Appeal from the Sentence of the ſaid Judge to the Chief Governor of this Province for the time being; Be it Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That all and every Perſon and Perſons appealing from the Sentence of the ſaid Judge, ſhall, within Fifteen Days at the fartheſt after ſuch Sentence, enter his Appeal before the Governor, and within Fifteen Days more petition the Governor of this Province for the time being, to examine the Sentence of the ſaid Judge, or appoint ſuch other Perſon or Perſons, as he ſhall think fit, to hear and determine the ſame, whoſe Sentence ſhall be final without other Appeal, Repeal, or Review: Provided nevertheleſs, in caſe the Perſon or Perſons, againſt whom ſuch Sentence ſhall paſs, ſhall comply with the ſame, then it ſhall and may be lawful for the Governor, or ſuch Court of Delegates, to grant an Appeal therefrom.

And be it further Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That the Commiſſary General of this Province, or other Perſon or Perſons, that ſhall, from time to time, be appointed as Judge or Judges in Teſtamentary Cauſes for granting Adminiſtrations, ſhall, from time to time, and at all times, during his or their Continuance in ſuch Office, conſtitute, ordain, and appoint ſome able and ſufficient Perſon of good Repute, and a Freeholder, in every reſpective County within this Province, to take the Probate of any Laſt Will and Teſtament of any Perſon, either Nuncupative or in Writing, even though the ſame be concerning Titles of Land; and likewiſe to grant Adminiſtration of the Goods and Chattels of Perſons dying

Inteſtate in the reſpective County or Counties where each Perſon or Perſons ſo appointed ſhall reſide and inhabit; which ſaid Perſon in each reſpective County of this Province, ſo appointed, as aforeſaid, ſhall and may take the Proof of any Will whatſoever, as aforeſaid, of any Perſon, as aforeſaid, within the County, as aforeſaid, and grant Letters Teſtamentary upon the ſame; and likewiſe grant Adminiſtration to any Perſon or Perſons whatſoever, that Right has to the Adminiſtration of the Eſtate of any Perſon deceaſed, within the County where he dwelleth, as aforeſaid; but if any Conteſt or Diſpute ſhall ariſe between any Perſons concerning the Right to Adminiſtration or Executorſhip, the ſame ſhall be decided by the Commiſſary General or Judge in Teſtamentary Cauſes, and not by ſuch Perſon appointed in each County, as aforeſaid; neither ſhall ſuch Perſon grant Adminiſtration, or take the Probate of ſuch Will, till ſuch Time as ſuch Diſpute or Difference ſhall be decided and determined by the proper Judge thereof, and Certificate from ſuch Judge of ſuch Determination or Deciſion: And ſuch Perſon ſo appointed, as aforeſaid, ſhall and is hereby allowed, as a Fee for granting ſuch Letters of Adminiſtration, as aforeſaid, Swearing the Adminiſtrators and Appraiſers, or for the Probate of any Will, and Swearing the Executor or Executrix, Appraiſers, and Letters Teſtamentary, the Sum of One hundred and fifty Pounds of Tobacco, to be levied by Execution after the ſame Manner, and under the ſame Penalties, directed by the Act of Aſſembly of this Province for Limitation of Officers Fees, againſt the Perſon or Perſons requiring and having Letters of Adminiſtration, or Letters Teſtamentary, as aforeſaid, unleſs the Eſtate be ſo ſmall as the Inventory of ſuch Eſtate doth not amount unto Ten Pounds in Money, there ſhall be paid to ſuch Perſon ſo appointed for ſuch Letters of Adminiſtration, or Letters Teſtamentary, as aforeſaid, the Sum of Fifty Pounds of Tobacco, to be levied, as aforeſaid, and no more; and then and in every ſuch Caſe the Commiſſary General ſhall have no Fee.

AND be it Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That all Guardians of Orphans that ſhall have any Real Eſtates in Lands, with the Orphan or Orphans to whom the ſame belong, committed to them, other than ſuch, whom the Teſtator in his Life-time, by his Laſt Will and Teſtament hath otherwiſe ordered and diſpoſed of, within One Month after the taking upon him or her the Guardianſhip of ſuch Orphan or Orphans, ſhall, with One Commiſſioner of the ſaid County where the Land lieth, and Two other Perſons of good Repute, and well skill'd in Building and Plantation Affairs, neither of them being of Kin, indebted, or otherwiſe intereſted in Orphan or Guardian, (ſuch Two Perſons to be nominated by ſuch Commiſſioner) enter into the Land or Plantation to ſuch Orphan or Orphans belonging, and view the Dwelling-houſes and Out-houſes, Lands, Orchards, and Fences, that are upon the ſaid Plantation; and then and there the ſaid Two Perſons ſo qualified, as aforeſaid, ſhall take their Corporal Oaths upon the Holy Evangeliſts, by the ſaid Commiſſioner to be adminiſtred, That, according to the beſt of their Skill and Judgment, they will make a juſt Eſtimate of the Annual Value of the ſaid Lands and Plantations, what Dwelling-houſes, Out-houſes, and Orchards, are upon the ſame, and what Repair they are in, what Part of the ſaid Land the ſaid Guardian may be further permitted to clear upon the ſaid Plantation, as well to raiſe the Yearly Rent ſo valued, as aforeſaid, as alſo towards his Yearly Charge in keeping the ſaid Dwelling-houſes, Orchards, and Fences, in Repair, and ſo by him to be left, always having a Regard to leave a proportionable Part both for Quality and Quantity of uncleared Land, for the Benefit and Advantage of the Orphans or Heir, when at Age, to poſſeſs the ſaid Land and Plantation, as alſo the Orphan's Maintenance out of the ſame, where the Profits of Perſonal Eſtates be not ſufficient to maintain him or them, and the ſame to certifie under their Hands and Seals, atteſted by the Commiſſioner ſo adminiſtring the Oaths, as aforeſaid, to the County Court next enſuing after

after ſuch View ſo had and made, as aforeſaid, and then to remain upon Record until the ſaid Orphan or Heir come to Age; which Certificate ſo entred, and remaining upon Record, as aforeſaid, ſhall be ſufficient Evidence in Law for the ſaid Orphan or Orphans to recover double Damages in an Action of Waſte by them to be brought, when at Age, for any Waſte, Sale, or Deſtruction, committed or done in any the Premiſſes, other than what the Perſons have certified and thought neceſſary, with due Reſpect had to all Circumſtances and Matters aforeſaid.

And to the End, as well the Guardian and Guardians aforeſaid, as the other Perſons mentioned and appointed to value the Land, as aforeſaid, may not fail to do their Duty; Be it Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That every Guardian or Guardians of any Orphan or Orphans, that ſhall for the future, within One Month after Entring upon his or their Guardianſhip, as aforeſaid, to do and perform what is by this Act required, ſhall forfeit the Sum of Five thouſand Pounds of Tobacco: And any Commiſſioner or Juſtice of the Peace, or other Perſon or Perſons, in the ſaid County living, that ſhall refuſe or neglect what is by this Act required of them to do and perform, being thereunto demanded, ſhall forfeit the Sum of Five hundred Pounds of Tobacco each; One Half thereof to our Sovereign Lord the King, His Heirs and Succeſſors, for the Uſe of the Orphan or Orphans therein concerned, the other Half to the Informer, or him or them that ſhall ſue for the ſame, to be recovered in any Court of Record within this Province, of all and every ſuch Perſon, that ſhall ſo, as aforeſaid, refuſe or neglect to perform what is by this Act required.

And whereas it has been doubted whether in Valuing or Eſtimating the ſaid Orphans Lands in Plantations in this Act mentioned, the Quit-Rents to the Lord of the ſame are not to be conſidered and allowed for, as well as Reparations and other Things in this Act mentioned; It is hereby further Enacted and Declared, That the ſaid Quit-Rents ought, and are hereby declared and enjoyned to be conſidered, deducted, and allowed, upon the Yearly Value of the ſaid Land, and the Guardian pay the ſame; and that any Guardian aforeſaid, that ſhall neglect, after ſuch Allowance made of the ſame in the Value of the ſaid Lands, and hath not paid ſuch Quit-Rents, as aforeſaid, ſhall forfeit to the Orphans, when at Age, Four-fold the Value of ſuch Rents that he left in Arrears at the full Age of ſuch Orphan, to be recovered by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoign, Protection, or Wager of Law to be allowed.

And be it further Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That the Commiſſioners of each County Court within this Province, by Virtue of this Act, ſhall have Power, from time to time, and at all times hereafter, upon the Preſentment of the Orphan, Jury, or other Information given to them of ſuch Sale, Waſte, or Deſtruction made, done, or committed upon any Orphan's Real Eſtate by any ſuch Guardian, to iſſue their Warrant, and cauſe ſuch Guardian to appear before them in the County Court; and if upon Examination thereof the ſaid Information be ſufficiently proved, that the ſaid Guardian ſhall anſwer the Damage of ſuch Waſte by him committed contrary to this Law, to ſuch Orphans, when at Age; and the ſaid Commiſſioners ſhall require ſuch Guardian or Guardians to give ſufficient Security to make Satisfaction to the ſaid Orphan or Orphans, when at Age, as aforeſaid; and upon Refuſal thereof the ſaid Orphan or Orphans (if at Age to chuſe his or their Guardian) ſhall elect his or their Guardian or Guardians, and if not at Age, to make ſuch Election, ſuch other Perſon or Perſons ſhall be appointed, as the Commiſſioners of the County Court, where the ſaid Land lies, ſhall think meet; which ſaid Guardian or Guardians, or other Perſon or Perſons, ſo choſen or appointed, as aforeſaid, being willing to take the ſaid Orphan's Real Eſtates into their Poſſeſſion, ſhall

hold

hold and enjoy the ſaid Lands and Plantations, committing no Waſte, and performing all ſuch Matters and Things at his or their Entry thereupon, as by this Act is required, until the ſaid Orphan or Orphans come to Age. And the ſaid Perſon or Perſons ſo choſen Guardian or Guardians, as aforeſaid, or by the Juſtices of the County Court ſo appointed and put in Poſſeſſion of the Orphan's Lands, as aforeſaid, ſhall, by Virtue of this Act, in the Name, and to the Uſe of ſuch Orphan, bring his Action of Waſte againſt the former Guardian for the Damages by him committed. And the Commiſſioners of the ſeveral County Courts within this Province are hereby enjoyned and required to give in Charge every *June* Court to the Orphan Jury, to enquire if any Waſte hath been made of Orphans Lands, under the Penalty of Sixteen hundred Pounds of Tobacco; One Half thereof to His Majeſty, His Heirs and Succeſſors, for the Support of Government, the other Half to him or them that ſhall ſue for the ſame, to be recovered in the Provincial Court by Bill, Plaint, or Information, wherein no Eſſoign, Protection, or Wager of Law to be allowed.

And be it further Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That the ſeveral reſpective Deputy Commiſſaries, which are and ſhall be in the ſeveral and reſpective Counties within this Province, ſhall and are hereby ſufficiently authorized and impowered to paſs, audit, and allow all ſuch Accounts, as ſhall come before them, relating to Dead Mens Eſtates, wherein they have granted Letters of Adminiſtration, or Letters Teſtamentary, not exceeding Fifty Pounds in Money, provided there be no Controverſie thereon; and to tranſmit ſuch Accounts within Two Months to the Commiſſary General's Office at the City of *Annapolis*, under the Penalty of Two thouſand Pounds of Tobacco; One Half to His Majeſty for the Support of Government, and the other Half to ſuch Party as ſhall render ſuch Account; for which paſſing ſuch Account the ſaid Deputy Commiſſary ſhall be allowed, as a Fee, the Sum of Fifty Pounds of Tobacco, to be levied, as aforeſaid, and no more: And if ſuch Deputy Commiſſary, as aforeſaid, ſhall exact, demand, or receive of any Perſon whatſoever, more than what is by this Law, for Executing ſuch his Office, allowed him, he ſhall be liable to ſuch Pains and Penalties, as are included in a certain Act for Limiting Officers Fees in this Province: But in caſe it ſhall ſo happen that any Perſon or Perſons having any Intereſt or Claims in ſuch Eſtates, ſhall make any Objections to the Legality or Juſtice of any Article or Articles contained in the ſaid Accounts, then the ſaid Deputy Commiſſaries are forthwith to mark ſuch Articles, and tranſmit the Account, with all Papers thereto belonging, unto the Commiſſary General, before whom all Parties are to appear and defend their Intereſt.

And whereas many Men have bequeathed and deviſed, or hereafter may bequeath or deviſe, to their Wives, by their Laſt Wills, conſiderable Part of their Perſonal Eſtate, intending (no doubt) but not expreſſing, that ſuch Bequeſt or Deviſe ſhould be in full of ſuch Wife's Part, Portion, or Third Part of the ſaid Teſtator's Eſtate; and yet ſuch Wives, Widows and Relicts, have not only claimed ſuch Bequeſt and Deviſe, as Legacies, but have further claimed their Part of the remaining Eſtate of their deceaſed Huſbands; Be it further Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That in ſuch Caſe, where the Teſtator bequeaths or deviſes a conſiderable Part of his Perſonal Eſtate to his Wife, and it appears not in any Part of his Will or Codicil, that he intended the ſaid Deviſe as a Legacy to his Wife only, and that ſhe might nevertheleſs have a Third Part of his remaining Eſtate, that it ſhall be at the Election of ſuch Wife, Widow or Relict, within Forty Days after the Probate of ſuch Will, to make her Election before the Judge for Probate of Wills, or the reſpective Deputy Commiſſaries in each reſpective County, whether ſhe will be content with ſuch Deviſe, or will have her Thirds, and releaſe the Deviſe; and if ſhe make Choice to have what is ſo bequeathed or deviſed to her, then by that Choice ſhe ſhall be for ever

ever barred from claiming her Third Part aforeſaid; and if ſhe renounce what is ſo bequeathed and deviſed, ſhe ſhall then have her Third Part aforeſaid, and be barred of her Deviſe, but ſhall not claim or have both: But in caſe ſuch Widow ſhall neglect to make ſuch Election within the Time aforeſaid, ſhe ſhall then be concluded, by having a full Third Part of the clear Perſonal Eſtate of her deceaſed Husband, beſides her Dower of his Real Eſtate, in full of all ſuch Deviſes or Legacies. Provided always, That ſuch Part of the Perſonal Eſtate or Eſtates be liable to pay the Debts of the Deceaſed, as other Part of the Eſtate is or ought to be: And if ſuch Wife, Widow, or Relict have any Part of her Husband's Lands, or Real Eſtate of Inheritance deviſed to her by her Husband, and that it do not appear by any Part of the Will, that he intended her ſuch Part of his Real Eſtate aforeſaid, and her Dower out of the reſt of his Real Eſtate beſides, then it ſhall be lawful for ſuch Wife, Widow, or Relict, to make her Election, as aforeſaid, within the Time aforeſaid, whether ſhe will accept of ſuch Deviſe, or of the Third Part of all her Husband's Real Eſtate, of which ſhe is indowable; and if ſhe accept of her Deviſe, ſhe ſhall be for ever debarred of her Dower out of the reſt of the Teſtator's Eſtate Real aforeſaid; and if ſhe accept of her Dower, then ſuch Acceptance ſhall be adjudged a full Recompence of her Deviſe aforeſaid: But in caſe ſhe ſhall neglect to make ſuch Election within the Time aforeſaid, ſhe ſhall then by ſuch Neglect be concluded by what is deviſed to her, and ſhall thereby be barred of her Dower of ſuch Deceaſed's Real Eſtate, unleſs it ſhall appear to be the Deſign of the Deviſor, that ſuch Widow ſhould have both Deviſe and Dower; Any Law, Statute, Uſage, or Cuſtom to the contrary notwithſtanding.

PROVIDED always, That if any married Woman ſhall have any Eſtate ſettled upon her by Jointure, or other Settlement before Marriage, ſuch Jointure or Settlement ſhall bar her of her Dower of her Husband's Lands; yet it ſhall be lawful for her to accept what her Husband ſhall by his Laſt Will and Teſtament deviſe her.

AND whereas many Orphans have greatly ſuffered by the Second Marriages of ſuch Widows, who having Eſtates in Poſſeſſion, by Will or Right of Adminiſtration, either by ſuch Widows while Sole, or their Husbands during the Coverture, the ſame have been waſted and imbezilled; and if the Woman die, the ſaid Husband refuſes to render an Account of ſuch Eſtate, alledging that he is neither Executor nor Adminiſtrator to his Wife, nor of her former Husband; whereas at Common Law a Woman Covert, Executrix, can do no Act to prejudice her Husband, all ſuch Acts during the ſame being void, without his Conſent, he not preventing ſuch Waſte (when in his Power) ought to anſwer for the ſame; Be it therefore Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That for every ſuch Waſte by ſuch Second Husband during the Coverture, ſuch Husband ſhall account for the ſame, and be liable to be ſued, together with his Wife (if living) or by himſelf (if ſhe be dead) as well as the Security, for the ſaid Eſtate due to ſuch Orphan (by ſuch Orphan, if at Age, if under Age, by his Guardian) and alſo for all Waſte committed by his Wife before Marriage, or by himſelf afterwards.

AND whereas Orphans of Perſons dying Inteſtate, by the good Proviſion of this Law in committing them to the Care of the County Court to inſpect the good Condition of their Securities and good Uſage, as aforeſaid, are by Experience found to be in better Condition, in reſpect of both, than the Orphans of Teſtators, whoſe Executors hitherto have rarely given any Security, and that the Security they have given, many times proves Inſolvent; Be it therefore Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That the Judge for Probate of Wills ſhall hereafter take good and ſufficient Security of all Executors and Adminiſtrators to the Uſe of

any Orphan or Orphans in any Will mentioned, and not ſolely to their own Uſe, for the true Performance of ſuch Laſt Will and Teſtament, according to Law and the Intent of the Teſtator; and ſhall tranſmit an Account of the Legacies left to any Infant Orphans, to the County Courts, to be by them ſecured in the ſame Manner, as the Balances of Inteſtates Eſtates, ſo far as ſhall be conſonant to the Will of the Teſtator; and the Juſtices of the ſeveral County Courts ſhall, at the ſame time that they enquire by a Jury of the good Uſage and Condition of the Security of other Orphans, alſo enquire of theſe; and if they find the Security like to be Inſolvent, or the Orphans ill uſed, that then it ſhall and may be lawful for ſuch Juſtices to act therein, as they are by this Law directed in the Caſe of Inteſtates Eſtates: Always provided, That nothing ſhall be done by Virtue of this Act, which ſhall ſeem repugnant or contradictory to the Laſt Will or Teſtament of any Perſon deceaſed.

And for the more ſpeedy Adminiſtration of Juſtice to Orphans, Legatees, and others, in the Prerogative Court for Probate of Wills, and granting Adminiſtrations within this Province, which hath hitherto been often delayed by tedious Methods uſed in Chancery, before the Judge's Sentence in the ſaid Court could take Effect (the Methods of *England* being at preſent not practicable here;) Be it therefore Enacted by the Authority aforeſaid, That the Prerogative Court for Probate of Wills within this Province, ſhall have ſuch like Authority in the enforcing Obedience to the Proceſs, Orders, interlocutory Sentences and Decrees thereof, as the High Court of Chancery now hath, or of Right ought to have; and that every Perſon or Perſons, that ſhall not, after Sentence given in the ſaid Court againſt him or them, within Fifteen Days after ſuch Sentence, enter his Appeal with the ſaid Judge from ſuch Sentence, and within Fifteen Days more procure an Examination thereof by a Court of Delegates, nor in the mean time comply with the Sentence of the ſaid Judge (it being ſent to them under the Hand and Seal of the ſaid Judge) nor given Security to perform the ſame, and Oath made of the Refuſal thereof; It ſhall and may be lawful to and for the ſaid Judge to iſſue forth of the ſaid Office, under his Hand and Seal, an Attachment againſt the Bodies, Goods or Chattels of the ſaid Perſons ſo refuſing, and him or them to impriſon, and his or their Goods, Chattels, or Credit, to attach, until he or they ſatisfie or comply with the ſaid Sentence.

And whereas Orphans and Creditors are many times injured by the low Appraiſement and Undervaluing of the Eſtates of the Dead; Therefore be it Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That when any Executor or Adminiſtrator doth appraiſe the Eſtate of the Deceaſed, he ſhall give Notice of ſuch his Appraiſement, and call together Two of the next of Kin of the ſaid Deceaſed, and Two of the Creditors of the ſaid Deceaſed (if any there be) who ſhall be preſent at the ſaid Appraiſement with the ſworn Appraiſors, and ſhall certifie to the Commiſſary, or his Deputy, under their Hands, that they were preſent at the Appraiſement, and do approve thereof: And if any Executor or Adminiſtrator return an Inventory with ſuch Certificate, as aforeſaid, or without making it appear, that ſuch Kindred or Creditors, having due Notice of the Time and Place of ſuch Appraiſement, refuſed or neglected to be preſent, the ſaid Judge, or his Deputy, in each reſpective County in this Province, ſhall not accept or receive the ſame into his or their Office or Offices.

And be it further Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That from and after the Publication hereof, no Perſon or Perſons, being Executors or Adminiſtrators of any Perſon deceaſed within this Province, ſhall be liable to pay or ſatifie Debts contracted out of this Province, of what Nature or Quality ſoever (Debts due to His Sacred Majeſty, His Heirs and Succeſſors, only excepted) before Debts due in this

Province

Province from the Eſtate or Eſtates of any Perſon or Perſons deceaſed ſhall be paid and ſatisfied, if ſuch Executor or Adminiſtrator ſhall have Aſſets in his, her, or their Hands ſufficient to pay and ſatisfie the ſame, or ſuch Executors and Adminiſtrators, having Reſpect to the Quality of the Debts due within this Province, as aforeſaid, unleſs the Creditor or Creditors of the Deceaſed, being Perſons reſiding out of this Province, as aforeſaid, on any Action or Actions by him, her, or them, brought againſt ſuch Executors or Adminiſtrators, as aforeſaid, upon any Debt or Contract of a higher Nature than thoſe contracted within this Province, as aforeſaid, be it by Statute Merchant, or of the Staple, Judgment, Bond, or otherwiſe, do upon Trial ſufficiently make it appear, that ſuch Executor or Adminiſtrator had due Knowledge and Cognizance thereof upon due Proof thereof, as aforeſaid, if ſuch Executors or Adminiſtrators ſhall have paid Debts of an inferior Nature, not recovered againſt them by due Courſe of Law, or ſuffered Judgment to go againſt them for any ſuch Debt, as aforeſaid, without Pleading ſuch Foreign Debt in Stay of Judgment, ſuch Executor or Adminiſtrator not having Aſſets in his, her, or their Hands ſufficient to pay the Debt, as aforeſaid, and ſatisfie the ſame, the Court, before whom ſuch Action ſhall be brought, ſhall give Judgment, and award Execution againſt ſuch Executors or Adminiſtrators, *De bonis propriis*, to ſuch Creditor or Creditors, as aforeſaid, as the Law in that Caſe directs; Any thing in this preſent Act to the contrary thereof in any wiſe notwithſtanding.

Paſs'd June 3*d*, 1715.

An Act aſcertaining what Damage ſhall be allowed upon Proteſted Bills of Exchange. No. 62.

BE it Enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of His Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That there ſhall not be allowed to any Perſon or Perſons whatſoever, having juſt Cauſe to implead any Perſon or Perſons whatſoever, living or reſiding within this Province, upon any Bill of Exchange, drawn for any Sum or Sums of Money whatſoever, payable in *England*, or elſewhere, and brought in here proteſted, more than the Sum of Twenty Pounds *per Cent*. Damages over and above the Debt ſued for and recovered, together with ordinary Coſts of Suit; Any Law, Statute, Uſage, or Cuſtom to the contrary notwithſtanding.

AND be it further Enacted by the Authority aforeſaid, That if any Perſon or Perſons draw any Bill of Exchange upon any Perſon or Perſons, or Society or Company, in *England*, or elſewhere out of this Province, and the ſame be proteſted, and the Proteſted Bills be return'd into this Province within Four Years after the Date of ſuch Bills; That then the Debt or Damage occaſioned by the Non-acceptance or Non-payment of ſuch Bills, ſhall be accounted a Debt of equal Nature with any Specialty, and in Payment of Debts by Executors and Adminiſtrators, be preferr'd before any other Debt, which is not under Hand and Seal, ſuch Executor or Adminiſtrator having timely Notice of ſuch Proteſted Bills of Exchange; Any Uſage or Cuſtom to the contrary notwithſtanding.

PROVIDED nevertheleſs, That in caſe any Bill of Exchange, to be drawn after the End of this preſent Seſſion of Aſſembly, ſhall be returned into this Province proteſted within Eighteen Months from the Date of ſuch Bill, there ſhall

ſhall not be allowed above Fifteen *per Cent.* for the Damages thereon, beſides the Coſts, as aforeſaid; Any thing before contained to the contrary notwithſtanding.

PROVIDED, That this Clauſe relating to Fifteen *per Cent.* on Bills of Exchange returned proteſted in Eighteen Months, ſhall not be in Force till the End of One whole Year after the End of this Seſſion of Aſſembly.

Paſs'd June 3*d*, 1715.

No 63. ***An Act laying an Impoſition on Negroes, and on ſeveral ſorts of Liquors Imported; and alſo on*** Iriſh ***Servants, to prevent the Importing too great a Number of*** Iriſh ***Papiſts into this Province.***

BE it Enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of His Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That from and after the End of this preſent Seſſion of Aſſembly, the Importer or Importers of Rum, Wine, Spirits, and Brandy, from *Penſylvania*, and the Territories thereto belonging, by Land, ſhall, for every Gallon of the ſaid Liquors ſo Imported into this Province, pay unto the King's Majeſty, His Heirs and Succeſſors, for Defraying the Publick Charges of this Province, to be collected by the Naval Officer of *Cecil* County Diſtrict for the time being, or his ſufficient Deputy, the Sum of Nine Pence in Ready Current Money of this Province; and ſhall bring the ſame Liquors into this Province to the Place commonly called *Bohemia* Landing, and to no other Place or Landing, till the Duties thereof be paid, under Penalty of Forfeiting to the King's Majeſty, His Heirs and Succeſſors, all ſuch before mentioned Liquors, which ſhall be brought to any Place contrary to the Intent of this Act, or the Value thereof in Ready Money; One Moiety of the ſaid Forfeiture to the King's Majeſty, His Heirs and Succeſſors, for the Support of the Government of this Province, the other Moiety to the Informer, to be recovered in any Court of Record in this Province, by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoign, Protection, or Wager of Law to be allowed.

AND to the End that the ſaid Nine Pence *per* Gallon may be exactly paid and collected, Be it Enacted by the Authority, Advice and Conſent aforeſaid, That before the ſaid Liquors ſhall be water-born in *Cheaſepeck* Bay, the Importer or Importers ſhall make Entry thereof upon Oath with the Naval Officer of *Cecil* County Diſtrict, of the Number of Casks, and the Contents thereof; which Oath the ſaid Naval Officer, by Virtue of this Act, ſhall have Authothority to adminiſter; and of the full Contents the ſaid Naval Officer may abate Twenty *per Cent.* for Leakage and other Damages to be ſuſtained, and no more.

AND be it further Enacted by the Authority, Advice and Conſent aforeſaid, That if the Importer or Importers aforeſaid, after he hath brought the ſaid Liquors to *Bohemia* Landing aforeſaid, ſhall put the ſaid Liquors on board any Veſſel in *Cheaſepeck* Bay, or any the Rivers, Creeks, or Harbours thereto belonging, before the Duty aforeſaid ſhall be paid in Ready Money, as aforeſaid, That then the Importer or Importers ſhall forfeit the ſaid Liquors, or the Value thereof in Ready Money, to the Uſes aforeſaid, to be recovered, as aforeſaid.

AND

AND be it further Enacted by the Authority aforeſaid, That when the Importer or Importers aforeſaid have made Fair Entries, as aforeſaid, and paid the Duty, as aforeſaid, that then the Naval Officer ſhall give the ſaid Importer a Permit to carry the ſame to any River, Creek or Harbour, or Port or Place of this Province, to make Sale of the ſame.

PROVIDED always, That if any Perſon or Perſons ſhall Import any the Liquors aforeſaid, from *Penſylvania* aforeſaid, in Sloops or other Veſſels, by Sea through the Capes of *Cheaſepeck* Bay into this Province, that then ſuch Importer or Importers ſhall only pay the Duty of Three Pence *per* Gallon, as others do.

AND be it further Enacted by the Authority, Advice and Conſent aforeſaid, That the Naval Officer aforeſaid, for the ſaid Duty of Nine Pence *per* Gallon aforeſaid, ſhall account with the Publick Treaſurer of the Eaſtern Shore; and the Publick Treaſurer of the Eaſtern Shore ſhall account to the General Aſſembly of this Province, as is herein after mentioned; which ſaid Naval Officer ſhall make Oath before his Excellency the Governor, or whom the Governor ſhall impower to adminiſter ſuch Oath, That the ſaid Naval Officer ſhall uſe his utmoſt Power and Diligence to cauſe this Act effectually to be put in Execution; and a Certificate of ſuch Oath taken ſhall be entred upon the Council-Book.

AND to prevent too great a Number of *Iriſh* Papiſts being Imported into this Province, Be it further Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That all Maſters of Ships and Veſſels, or others Importing *Iriſh* Servants into this Province, by Land or by Water, at the Time of their Entry, ſhall pay unto the Naval Officer for the time being belonging to ſuch Port or Place where they make their Entry, the Sum of Twenty Shillings *Sterling*, *per* Poll, towards the Defraying the Publick Charge of this Province, for every *Iriſh* Servant ſo Imported, on Penalty and Forfeiture of Five Pounds *Sterling*, *per* Poll, for every Servant ſo concealed at the Time of his Entry aforeſaid; the one Half thereof to be appropriated to the Uſes aforeſaid, the other Half to the Informer, or him or them that ſhall ſue for the ſame, to be recovered in Form aforeſaid.

AND be it further Enacted by the Authority, Advice and Conſent aforeſaid, That, for every Negro Imported into this Province, either by Land or Water, the Importer or Importers of ſuch Negro or Negroes ſhall pay unto the ſaid Naval Officer the Sum of Twenty Shillings *Sterling*, *per* Poll, for the Uſes aforeſaid, on Penalty and Forfeiture of Five Pounds *Sterling*, *per* Poll, for every Negro kept back or unaccounted for, to be applied for the Uſes aforeſaid, and to be recovered as aforeſaid.

AND be it further Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That, from and after the Publication hereof, all Maſters of Ships or Veſſels, or all other Perſons that ſhall by Water Import any Rum, Brandy, Spirits, or Wine, into this Province, ſhall pay the Naval Officer aforeſaid, where they make their Entry, the Sum of Three Pence *per* Gallon for every Gallon of Rum, Brandy, Spirits, or Wine, ſo Imported into this Province, as aforeſaid, to be applied to the Uſes aforeſaid; (Liquors from *Great Britain* always excepted.)

AND be it further Enacted by the Authority, Advice and Conſent aforeſaid, That no Rum, Brandy, Spirits, or Wine, upon which the Duties aforeſaid are aſſeſſed, ſhall be landed or put on Shore out of any Ship or Veſſel, which ſhall Import the ſame, or any other, without due Entry thereof with the Officer thereby appointed (upon Oath of the ſaid Perſon or Perſons Importing any the aforeſaid Liquors) for Collecting the ſame in the Port or Place where ſuch Liquors ſhall happen to be Imported, as aforeſaid, or before the Duty due and payable for the ſame is ſatisfied, or ſecured to be ſatisfied, and a Warrant for the Landing thereof be ſigned by the Officer for that Purpoſe appointed, upon Pain

and Peril that all ſuch Liquors, landed and put on Shore contrary to the true Intent and Meaning of this Act, ſhall be forfeited and loſt, or the full Value thereof; one Half to be appropriated towards the Defraying the Publick Charge of this Province, and the other Half to the Informer, or him or them that ſhall ſue for the ſame, to be recovered as aforeſaid.

And for the better Encouragement of all Maſters, Merchants, Owners, and other Perſons whatſoever, to make due Entries and Payment of the Duties, Rates, and Impoſitions raiſed by this Act, in Conſideration of Leakage and other Damage, the Officer is hereby authorized and impowered to make Allowance and Abatement of Twenty Gallons in every Hundred Gallons of all ſuch Liquors, ſo to be duly entred, as aforeſaid; and the Officers hereby appointed for Collecting and Gathering the Duties aforeſaid, ſhall and are hereby impowered, upon any Suſpicion of Fraud or Deceit by any Importer, Owner, or Proprietor of any ſuch Liquors, in Concealing, and not making due Entry of the ſame, to go and enter on Board any Ship or Veſſel, or into any Houſe or Warehouſe, or elſewhere, and from thence to ſeize, bring on Shore, or ſecure all ſuch Liquors, for which the Duties aforeſaid are not duly paid, or ſecured to be paid, as aforeſaid, that the ſaid Officers and their Deputies, or any of them, may freely go and remain on Board until the Goods are delivered and diſcharged out of the ſaid Ship or Veſſel: And all Officers, as well Military as Civil, of this Province, and Maſters and Officers of Ships, are hereby required and enjoyned to be aiding and aſſiſting to ſuch Naval Officers in Diſcharging their Duty aforeſaid; for all which the ſaid Officers, and others aſſiſting them, ſhall be ſaved and kept harmleſs by Virtue of this Act.

And be it further Enacted by the Authority and Conſent aforeſaid, That all ſuch Naval Officers ſhall give good Security to the Governor of this Province for the time being; and ſhall take the ſeveral Oaths, well and faithfully to gather the Impoſt ſo ariſing by Virtue of this Act, or any Clauſe herein contained; and a juſt and faithful Account thereof Twice a Year ſhall give and render to the Publick Treaſurers of this Province, for the time being, authorized for Receiving the ſaid Impoſt, for which the ſaid Treaſurers ſhall have for their Salary Five *per Cent.* and no more, who are to give Bond for the ſame, to be accountable and render an Account to the Aſſembly that ſhall then next meet, to be by them diſpoſed of towards the Defraying of the Publick Charge of this Province.

And be it further Enacted by the Authority, Advice and Conſent aforeſaid, That every Maſter of a Ship or other Veſſel, at the Time of his Entry of ſuch Ship or Veſſel, wherein ſuch Liquors ſhall be Imported, as aforeſaid, ſhall render upon Oath an Account of the Quantity and Quality of Liquors aforeſaid: And the ſeveral and reſpective Naval Officers within this Province for the time being, ſhall, at the Time of their Entry of ſuch Ship or Veſſel, as aforeſaid, take good and ſufficient Security in His Majeſty's Name, for the Payment of the ſaid Impoſition laſt mentioned, to ſuch Uſe and Purpoſe, in ſuch Manner and Form, as by this Act is appointed. All which Duties ariſing by the Impoſitions aforeſaid, ſhall be collected and gathered by the Naval Officers in their ſeveral and reſpective Diſtricts, for which they ſhall have Eight *per Cent.* Salary, and no more.

Provided always, That if any Importer of Rum or Wine into this Province after the End of this Seſſion of Aſſembly, and within Three Months after his Arrival, and ſuch his Report made to the Naval Officer, or ſuch other Officer legally impowered, as aforeſaid, to take the ſame, as aforeſaid, ſhall Export any of the ſaid Rum, Brandy, Spirits, or Wine, by him Imported, as aforeſaid, It ſhall and may be lawful for every ſuch Importer, by way of Debenture or Drawback Money, to ſtay and detain Three Fourth Parts of ſuch Impoſition: Always provided, That the ſaid Exporter, who deſireth the Benefit of the ſaid Debenture or Drawback, ſhall declare on his Corporal Oath, to

be adminiſtred by the ſaid Officer, on the Holy Evangeliſts of Almighty God, that the ſaid Rum, Brandy, Spirits, or Wine, by him deſired to be Exported, is Part of the ſaid Rum, Brandy, Spirits, or Wine, by him Imported and made Report of, as aforeſaid.

AND be it further Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That no Ship or Veſſel built in this Province, whereof all the Owners ſhall be actually Reſidents of this Province, and that no Ship or Veſſel, *Engliſh* or Plantation-built, purchaſed, enjoyed and held by Owners which are all Reſidents within this Province, nor the Owners thereof, ſhall any wiſe be liable to pay any the Duties aforementioned, for any thing in this Act mentioned, which ſhall be Imported in any ſuch Ship or Veſſel.

PROVIDED, The ſaid Servants, Negroes, or Liquors are brought into the Capes of *Cheſeapeck* Bay, or into any the Inlets on the Sea, Board-ſide of *Somerſet* County in any of the aforeſaid Ships or Veſſels, and not taken on Board in the ſaid Bay, or any Creek or River thereto belonging, or from on Board any other Ship or Veſſel whatſoever within Ten Leagues of the Capes of the ſaid Bay; Any thing in this Act, or any other Law, Statute, or Uſage to the contrary notwithſtanding.

Paſs'd June 3*d*, 1715.

An Act for the Puniſhment of Blaſphemy, Profane Swearing, Curſing, and Drunkenneſs. N° 64.

BE it Enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of His Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That, from and after the End of this preſent Seſſion of Aſſembly, if any Perſon or Perſons whatſoever within this Province, ſhall Blaſpheme God (that is to ſay) Curſe him, or Deny our Saviour Jeſus Chriſt to be the Son of God, or ſhall Deny the Holy Trinity, the Father, Son, and Holy Ghoſt, or the Godhead of any the Three Perſons, or the Unity of the Godhead, or ſhall utter any Profane Words concerning the Holy Trinity, or any the Perſons thereof, for his, her, or their Firſt Offence ſhall be bored through his, her, or their Tongue, and fined the Sum of Twenty Pounds *Sterling*, to His Majeſty, His Heirs and Succeſſors, to be applied to the Uſe of the Pariſh-Church where ſuch Offence ſhall be committed, to be levied upon his, her, or their Bodies, Goods or Chattels, Lands or Tenements; and if ſuch Offender or Offenders ſhall not redeem his, her, or their Body, by the Payment of ſuch Fine, with his, her, or their Goods or Chattels, Lands or Tenements, then ſuch Offender or Offenders ſhall, by Virtue of a Commitment, or *Levari facias* on ſuch Judgment of Conviction, be immediately detained in Priſon, and ſhall in lieu of ſuch Fine ſuffer Six Months Impriſonment of his, her, or their Bodies, without Bail or Mainprize, to be accounted from the Day of ſuch Offender's firſt Commitment after ſuch Judgment rendred againſt him; and for every Second Offence, whereof ſuch Offender or Offenders ſhall be legally convicted, he, ſhe, or they ſhall be ſtigmatized by branding in the Forehead with the Letter [*B*] and be fined by the Court where he, ſhe, or they ſhall be convicted, Forty Pounds *Sterling*, to the King's Majeſty, His Heirs and Succeſſors, to be applied to the Uſes aforeſaid, to be levied, as aforeſaid, and in Default of Satisfaction thereof, as aforeſaid, to ſuffer Twelve Months Impriſonment, as aforeſaid, on ſuch Execution

or

or Commitment, as aforeſaid, in lieu thereof; and for every Third Offence, whereof ſuch Offender or Offenders ſhall be legally convict, he, ſhe, or they ſo offending ſhall be adjudged Felons, and ſhall ſuffer Pains of Death without any Benefit of Clergy.

And foraſmuch as it hath been too plainly found by long Experience, that there are ſome ſuch bold Offenders as, to the Scandal of a Chriſtian People, and Civil Government, at once dare Sportingly contemn the Laws of God, and their King and Country, by Profane Curſing and Swearing, notwithſtanding the Proviſions that have been heretofore made againſt them; Be it therefore Enacted by the Authority, Advice and Conſent aforeſaid, That if any Perſon or Perſons ſhall, after the End of this preſent Seſſion of Aſſembly, Profanely Swear or Curſe in the Preſence or Hearing of any Magiſtrate, the Commiſſary General, the Secretary, Conſtable, Provincial or County Clerk, Sheriff, Coroner, Miniſter, Veſtryman, or Church-warden, or that ſhall be convicted of Profane Curſing or Swearing by the Oath of One Witneſs, or by the Confeſſion of the Party offending, before any Juſtice of the Peace, or other Magiſtrate, that then for every ſuch Offence, the Party ſo offending ſhall forfeit and pay to the Uſe of the County where ſuch Offence or Offences ſhall be committed, the reſpective Sums herein after mentioned, that is to ſay, For the Firſt Oath or Curſe, Two Shillings and Six Pence, and for every Oath or Curſe after the Firſt, Five Shillings, Current Money of this Province.

And it is hereby further Enacted, That upon a Neglect or Refuſal of Payment of the ſaid Forfeiture in Money or Goods to the Value thereof, any Magiſtrate, the Commiſſary General, Secretary, Provincial or County Clerk, Coroner, Conſtable, or the Miniſter of a Pariſh, any Veſtryman, or Church-warden, ſhall and are hereby authorized and required to commit the ſaid Offender to the Stocks for the Space of One Hour for every Oath or Curſe, not exceeding Three Hours at any one Time of Conviction or Puniſhment, or order him, her, or them Puniſhment by Whipping, not exceeding Five Laſhes for any One Oath or Curſe, nor Thirty nine at any One Time of Conviction or Puniſhment; and, if Occaſion be, to call or command Aſſiſtance in the Executing the ſame, in the ſame manner as any Sheriff or Conſtable might or ought to do in other Caſes of Contemning His Majeſty's Proceſs or Authority, in caſe ſuch Puniſhment ſhall be awarded by any the Perſons aforeſaid, except the Sheriff or Conſtable aforeſaid, it ſhall and may be lawful for ſuch Perſon to appoint any proper Perſon, who ſhall not be in Authority, or have any juſt Exemption, as a Conſtable, on ſuch Special Occaſion, to execute ſuch Puniſhment on the Offender, in caſe the Sheriff of the County, or Conſtable of the Hundred, be abſent from the Place where ſuch Puniſhment ſhall be awarded; and that the Perſon ſo eſpecially to be appointed or commanded to execute ſuch Puniſhment, that ſhall refuſe or delay to execute the ſame, ſhall forfeit to His Majeſty, His Heirs and Succeſſors, the Sum of Ten Shillings Current Money to the Uſe aforeſaid, to be levied as the Juſtices of the County Court where ſuch Contempt ſhall happen, ſhall order and direct; but in caſe the Offence of Profane Curſing or Swearing ſhall be committed by any Perſon or Perſons under the Age of Sixteen Years, whereof they ſhall be convict, as aforeſaid, who ſhall not forthwith pay the Forfeitures aforeſaid, then he, ſhe, or they, ſhall, by Warrant from any the Perſons aforeſaid, if ſuch Offence be committed in their Preſence, or from any Juſtice of the Peace, or other Magiſtrate, if the Conviction be by Oath or Confeſſion before them, be whipped by the Conſtable, or other Perſon eſpecially to be appointed, as aforeſaid, or by the Parent, Guardian, or Maſter of ſuch Offender, in the Preſence of ſuch Magiſtrate, Conſtable, or other Perſon, as aforeſaid; Provided ſuch Whipping exceed not what is above directed for any One Offence, or at any One Time of Puniſhment.

And be it further Enacted, That if any the Officers or Perſons aforeſaid, appointed, as aforeſaid, to act judicially in the putting this Act in Execution, ſhall wilfully and wittingly omit the Performance of what is required of them by this Act, or ſhall be guilty of the like Offences of Curſing or Swearing themſelves, in the Preſence of any other Officers, or ſhall be thereof convict upon Oath made, or Confeſſion, as aforeſaid, ſhall forfeit the Sum of Ten Shillings for every ſuch Offence or Omiſſion; and the Magiſtrate before whom ſuch Offence or Conviction ſhall happen, ſhall Certifie the ſame, under his Hand and Seal, to the Juſtices of the County Court of the County where ſuch Offence or Omiſſion ſhall be committed or made, who are hereby required to award Execution thereupon by *Levari facias* againſt the Body, Goods, or Chattels of ſuch Offender, to be applied to the Uſes aforeſaid.

And be it further Enacted, That in caſe any of the Offenders aforeſaid ſhall uſe any abuſive, reviling, or threatning Speeches againſt any the Perſons that ſhall put the ſame in Execution againſt them, upon doing thereof, ſuch Speeches ſhall be deem'd a Breach of good Behaviour; for the ſure keeping whereof, for the Space of Three Months then next following, in general, and eſpecially to ſuch Officer as ſhall convict them, they ſhall be bound with Two ſufficient Sureties in Five Pounds Penalty at the leaſt, or be committed for want thereof; and in caſe any Aſſault or Battery ſhall be made by ſuch Offender againſt ſuch Officer, as aforeſaid, upon the putting this Act in Execution, as aforeſaid, that then ſuch Offender ſhall be indicted for the ſame; and in caſe the Party grieved ſhall ſue ſuch Offender for ſuch Aſſault and Battery, he ſhall recover Treble Damages, and ſuch Offender ſhall be bound over, as aforeſaid; and in caſe any Suit or Action ſhall be commenced or brought againſt any the Perſons whatſoever, for doing, or cauſing to be done, any thing in Purſuance of this Act concerning the ſaid Offences, the Defendant in ſuch Action may plead the General Iſſue, and give the Special Matter in Evidence; and if upon ſuch Action Verdict be given for the Defendant, or the Plaintiff become Nonſuit, or diſcontinue his Action, then the Defendant ſhall have Treble Coſts.

Provided always, and it is hereby Enacted, That no Perſon ſhall be proſecuted or troubled for any the Offences of Curſing or Swearing aforeſaid, unleſs the ſame be proved or proſecuted within Ten Days next after ſuch Offence committed.

And whereas the loathſome and odious Sin of Drunkenneſs is of too common Uſe within this Province, being the Root and Foundation of many other Enormous Sins, to the great Diſhonour of God and the Country, the Impoveriſhing of many good Subjects, and abuſively waſting the good Creatures of God; Be it Enacted, That all and every Perſon or Perſons who, after Three Months next following the End of this preſent Seſſion of Aſſembly, ſhall be Drunk, and of the ſame Offence of Drunkenneſs ſhall be convict, ſhall forfeit and pay the Sum of Five Shillings Current Money for every ſuch Offence, or on neglecting to make immediate Payment thereof by Money, or Goods to the Value, ſhall be ſet in the Stocks, there to remain for the Space of Two Hours in lieu thereof; and that the ſeveral Magiſtrates, and others aforementioned to put this Act in Execution againſt ſuch as ſhall be accuſed or convict of Profane Curſing or Swearing, ſhall proceed in the ſame Manner, againſt ſuch as ſhall be accuſed or convict of Drunkenneſs, as they are herein before directed to proceed againſt thoſe that are accuſed or convict of Profane Curſing or Swearing; and ſhall in all things relating to the Puniſhment of Drunkenneſs have the ſame Powers, Authorities, and Advantages, as are to them herein before given againſt Profane Curſers or Swearers, and ſhall be liable to the ſame Forfeitures, and to the ſame manner of Conviction, in caſe of Drunkenneſs in themſelves, or omitting to puniſh it in others, as herein before directed in caſe of Curſing or Swearing;

all which Forfeitures and Penalties relating to Drunkenneſs ſhall be collected, levied, or inflicted after the ſame Manner, and applied to the ſame Uſes as before directed in the Caſe of Profane Curſing or Swearing.

AND be it further Enacted, That this Act ſhall be publickly read Four Times in the Year in all Pariſh-Churches and all publick Chapels, by the Rector, Vicar, Curate, or Reader of the reſpective Pariſhes or Chapels, immediately after Morning Prayer, on Four ſeveral *Sundays*, that is to ſay; On ſome One *Sunday* in *June*, in *September*, in *December*, and in *March*, under the Pain of One thouſand Pounds of Tobacco for every ſuch Neglect or Omiſſion; the one Half to His Majeſty, His Heirs and Succeſſors, towards the Defraying the Charge of ſuch Pariſh where ſuch Omiſſion ſhall be made, the other to the Informer, or him or them that ſhall ſue for the ſame, to be recovered in any County Court where the ſame ſhall ariſe, by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoign, Protection, or Wager of Law to be allowed.

AND be it further Enacted, That the ſeveral Officers, or others in this Act mentioned, who ſhall receive any the Fines or Forfeitures aforeſaid, ſhall Yearly account for and pay the ſame to the reſpective Veſtry, and County Courts, at the Time of their laying the County Levy, to His Majeſty, His Heirs and Succeſſors, for the Uſes aforeſaid, on Pain of forfeiting Double the Sum ſo by ſuch Officer or Perſon received, and not accounted for and paid, as aforeſaid, to be levied as the Juſtices of ſuch County Court ſhall direct.

AND foraſmuch as there is but little Money in the ſeveral Counties of this Province, and that it will be extremely difficult to levy and collect the Fines impoſed by this Act; For the greater Eaſe of the Magiſtrates, or other Officers obliged to execute the Power and Authority herein contained, It ſhall and may be lawful for ſuch Magiſtrate, or other Officer, as aforeſaid, where Money is not to be had, and the Perſons forfeiting the ſame are Freeholders or ſettled Reſidents within any County in this Province, at their Diſcretion, either to levy the ſame, according to the Directions of this Act, or otherwiſe keep a fair Account of ſuch Offender's Offences, and Fines thereupon ariſing, and return the ſame Yearly to the County Juſtices at *November* Court under ſuch Magiſtrates or Officers Hand and Seal, of which Account the ſaid County Courts ſhall cauſe their Clerks to give a fair Copy to the Sheriff of the County, in order to collect ſuch Fines and Forfeitures; and on Refuſal of Payment thereof, the Sheriff is hereby impowered to levy the ſame by way of Execution in Tobacco, at One Peny *per* Pound, and in ſuch Manner as the Publick and County Levies of this Province are, and have uſually been levied and collected, and render Account thereof to the Juſtices of the reſpective County Courts, to be applied to the Uſes aforeſaid.

Paſs'd June 3*d*, 1715.

An

An Act for Rectifying the ill Practices of Attorneys of this Province, and Aſcertaining Fees to the Attorney General, Clerk of Indictments, Attorneys, and Practitioners of the Law, in the Courts of this Province, and for Levying the ſame by way of Execution.

No. 65.

BE it Enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of His Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That after the End of this Seſſion of Aſſembly, no Proceſs of any Criminal Matter, or other Miſdemeanor, ſhall iſſue out of any the Courts of this Province againſt any Perſon or Perſons whatſoever, without a Preſentment be firſt found againſt the ſaid Perſon or Perſons by the Grand Jury, unleſs by a Special Order of his Excellency the Governor in Council, or of the Provincial or County Courts in this Province; and if the Attorney General, or any other Attorney of the Provincial Court, ſhall iſſue forth Proceſs againſt any Perſon or Perſons, and no Preſentment or Order of his Excellency the Governor in Council, or Order of Courts appear upon Record to juſtifie the ſame, the ſaid Attorney ſo offending, ſhall forfeit and pay, for ſuch his Offence, the Sum of Five thouſand Pounds of Tobacco; the one Half to His Majeſty, his Heirs and Succeſſors, towards the Support of Government within this Province, the other Half to the Party grieved, or to him or them that ſhall inform or ſue for the ſame; to be recovered in the Provincial Court of this Province by Bill, Plaint, or Information. And if any Clerk of the Indictments in any County Court of this Province, or any other Attorney practiſing in the ſaid Courts, ſhall iſſue forth Proceſs againſt any Perſon or Perſons for any Criminal Matter or Miſdemeanor, without a Preſentment be firſt found by the Grand Jury againſt the ſaid Perſon or Perſons, or Special Order of the Governor in Council, or County Court appearing upon Record to juſtifie the ſame, the ſaid Clerk of Indictments, or other Attorney ſo offending, ſhall forfeit and pay, for ſuch his Offence, the Sum of Two thouſand five hundred Pounds of Tobacco; the one Half to His Majeſty, His Heirs and Succeſſors, towards the Support of Government in this Province, the other Half to the Party grieved, or to him or them that ſhall inform or ſue for the ſame, to be recovered in the reſpective County Courts of this Province, where ſuch Offence was committed, by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoign, Protection, or Wager of Law to be allowed; neither ſhall the Party ſo offending have any Appeal or Writ of Error, but the Judgment of the County Court ſhall be definitive therein; and if the Clerk of the Provincial Court of this Province, or any of the Clerks of the County Courts, of this Province, ſhall iſſue out Proceſs in Criminal Cauſes, without any Order for the ſame, under the Hand of an Attorney practiſing in the ſaid Court or Courts to juſtifie the ſame, the ſaid Clerk or Clerks ſo offending ſhall be liable to the ſame Forfeitures and Penalties of Attorneys ſo offending, and the ſaid Forfeitures to be recovered as aforeſaid, and go to the Uſes aforeſaid.

AND be it further Enacted by the Authority aforeſaid, That the Attorney General of this Province ſhall not recover nor receive any Fee for any Navigation Bond put in Suit, either where the Certificate was before the Suit of the ſaid Bonds, lodged in the Secretary's Office of this Province, or where it can be proved that he knew that there was ſuch Certificate returned; neither ſhall the ſaid Attorney General receive or have any Fee for any Bond for County Dues, where the ſaid Bond appears not to be forfeited; and if the ſaid Attorney General, after the End of this Seſſion of Aſſembly, ſhall ſue any Bond

taken contrary to Act of Parliament, or any Bond taken for County Dues, and no Bills of Exchange appearing Proteſted, nor no other Failure, to forfeit the ſaid Bond, or where the ſaid Certificate is returned into the Secretary's Office appointed for keeping the ſame, any of which Caſes appearing to the Provincial Court, the ſaid Attorney General ſhall not only loſe his Fees, but pay the Secretary's Fees, and what other Charges the Party hath been at in Defending the ſame, to be adjudged by the Provincial Court.

And whereas ſeveral Perſons have been ſued in His Majeſty's Name for a certain Sum, without ever mentioning for what the ſaid Bond was taken, ſo that the Perſons do not know what Courſe to take, or whom to apply themſelves to; Be it Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That when any Writ is iſſued forth upon a Navigation Bond taken in His Majeſty's Name, it ſhall be indorſed on the Back-ſide, as followeth, for whom the Perſon was Bound, and in what Year, if a Sheriff's Bond, at whoſe Requeſt and Prayer it was ſued, or Bond taken in any of His Majeſty's Offices in this Province, it ſhall be indorſed at whoſe Requeſt it was ſued, and for want of ſuch Indorſement the Writ ſhall abate, and the Party grieved ſhall recover his Coſts againſt the Attorney that ſued forth the ſaid Writ.

And be it Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That whenſoever the Grand Jury in their reſpective County Courts of this Province, ſhall make a Preſentment of the Breach of any the Laws of this Province, ſave only the Act for ſpeedy Trial of Criminals, and aſcertaining their Puniſhments in the County Courts, when proſecuted there, if the Party or Parties preſented confeſs his or their Crime, and ſubmit to the Court, then the Clerk of Indictments ſhall have One hundred Pounds of Tobacco for his Fee, and no more; but if the Clerk of Indictments draws a Bill of Indictment upon the ſaid Preſentment, and the Party therein preſented traverſes ſuch Preſentment or Bill of Indictment, and puts himſelf upon the Country for the Trial thereof, then the Clerk of the Indictments ſhall have Two hundred Pounds of Tobacco for his Fee, and no more.

And be it further Enacted by the Authority, Advice and Conſent aforeſaid, That from and after the End of this preſent Seſſion of Aſſembly, there ſhall be paid to any Attorney, or other Perſon practiſing the Law in any of the County Courts of this Province, for bringing, proſecuting, or defending any Action, of what Nature or Quality ſoever, to final Judgment, Agreement, or other End thereof, the Sum of One hundred Pounds of Tobacco, unleſs the Principal Debt and Damage, or Balance of any Debt and Damages ſued for and recovered, do exceed the Sum of Two thouſand Pounds of Tobacco, or Ten Pounds *Sterling*, that then the ſaid Attorney ſhall have Two hundred Pounds of Tobacco, and no more; and to any Attorney, or other Perſon practiſing the Law in the Provincial Court, High Court of Chancery, Commiſſary's Court, Court of Vice Admiralty, or for proſecuting or defending any Appeals, Writs of Error, or any other Matter or Thing whatſoever, before his Excellency the Governor and Council, the ſeveral Sums hereafter expreſs'd and ſet down; (that is to ſay) For proſecuting and defending any Cauſe, Plaint, or Action of what Nature ſoever in the Provincial Court to final Judgment, Agreement, or other End thereof, the Sum of Four hundred Pounds of Tobacco, and no more.

For any Fee in the High Court of Chancery and Court of Vice Admiralty, Six hundred Pounds of Tobacco, and no more.

For any Fee in the Commiſſary's Court, Four hundred Pounds of Tobacco, and no more.

For any Fee upon any Writ of Error, or Appeal which ſhall be before his Excellency the Governor and Council, Six hundred Pounds of Tobacco, and no more.

AND to His Majeſty's Attorney-General, for any Action in the Provincial-Court, at the Suit of His Majeſty, Indictment, Preſentment, or Information, the Sum of Four hundred Pounds of Tobacco, and no more; any Law, Statute, or Cuſtom to the contrary, in any wiſe, notwithſtanding.

AND be it further Enacted by the Authority, Advice, and Conſent aforeſaid, That if any Attorney, or other Perſon, practiſing the Law in any the aforeſaid Courts, do preſume to ask, receive, take, or demand any greater or larger Fee than before by this Act appointed, and be thereof legally convicted, he ſhall be uncapable to practiſe the Law in any Court of this Province for the future.

AND be it further Enacted by the Authority, Advice, and Conſent aforeſaid, That all Bills, Bonds, or other Specialties, taken by any Attorney, or other Perſons, practiſing the Law in any of the aforeſaid Courts, or any Bills, Bonds, or other Specialties, taken by any of the Clerks of any County-Court of this Province, from and after the End of this Seſſion of Aſſembly, ſhall be endorſed on the backſide thereof, for what Matter, or how the ſame did become due: And for Default thereof, all ſuch Bills, Bonds, and Specialties ſhall be void; any Law, Uſage, or Cuſtom to the contrary notwithſtanding.

AND be it further Enacted by the Authority, Advice, and Conſent aforeſaid, That the Fee and Fees herein allowed to be taken by any Attorney, or other Perſons, practiſing the Law in any the aforeſaid Courts, ſhall be levied by way of Execution, in ſuch Manner and Form as other Officer's Fees are or have been levied: And all and every the Sheriffs of the ſeveral Counties of this Province, are hereby obliged, authorized, and impowered to levy and execute the ſame accordingly; any Law, Statute, or Cuſtom to the contrary notwithſtanding.

AND be it further Enacted by the Authority, Advice, and Conſent aforeſaid, That no Clerks of any Courts within this Province, ſhall, after the End of this preſent Seſſion of Aſſembly, deliver to any Attorney, Sheriff, or other Perſon, any Blank Writ, or Writs whatſoever, on Penalty of Six thouſand Pounds of Tobacco; One half to His Majeſty, His Heirs and Succeſſors, towards the Support of Government in this Province, the other Half to the Informer, or him or them that ſhall ſue for the ſame; to be recovered by Action of Debt, wherein no Eſſoign, Protection, or Wager of Law to be allowed.

AND be it further Enacted by the Authority, Advice, and Conſent aforeſaid, That from and after the End of this preſent Seſſion of Aſſembly, no Attorney, or other Perſon whatſoever, ſhall practiſe the Law in any the Courts of this Province, without being admitted thereto by the Juſtices of the ſeveral Courts, who are hereby impowered to admit and ſuſpend them (*Salvo Jure Coronæ*) until His Majeſty's Pleaſure ſhall be known therein: But any Attorney, or other Perſon, practiſing the Law in this Province, or the Plaintiff that ſhall ſue in any County-Court where he does not reſide, ſhall be obliged to give Security for the Payment of all the Officer's Fees that ſhall accrue upon any Suit by him to be commenced, either at the time of the Iſſuing of the Writ, in the Action, or during the Continuance of the Court, to which ſuch Writ ſhall be returned, on pain of paying ſuch Fees himſelf, or ſuffering his Client to be Nonſuited in Default of ſuch Security to be given, or of ſuch Attorney's ſignifying his Intention to pay ſuch Fees; any Law, Statute, Uſage, Cuſtom, Rule of Court, or Order from any Perſons to the contrary notwithſtanding.

PROVIDED always, that nothing in this Act ſhall extend, or be conſtrued to extend, to give Right to any Courts of this Province, to admit any Attorney, or other Perſon, practiſing the Law, to practiſe in any Court that has been already refuſed ſo to do by his Excellency, and His Majeſty's Honourable Council, nor to any Perſon that ſhall not qualify himſelf, by taking the Oaths appointed to be taken by Act of Parliament, made in the Sixth Year of the Reign of Her

late Majeſty of Pious Memory, Intituled, *An Act for the Security of Her Majeſty's Perſon and Government, and of the Succeſſion of the Crown of* Great Britain *in the Proteſtant Line.*

Paſs'd June 3*d*, 1715.

№ 66.

An Act for Quieting Poſſeſſions, Inrolling Conveyances, and Securing the Eſtates of Purchaſers.

FORASMUCH as a good and beneficial Law, Intituled, *An Act for quieting of Poſſeſſions*, was made the Twenty ſeventh Day of *March*, *Anno Domini* One thouſand ſix hundred ſeventy one, in this Province, which, by the Uſe thereof, hath been found very much conducing to the Benefit of the ſaid Province; Be it therefore Enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of His Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That all Sales, Gifts and Grants, at any time before the Thirteenth Day of *April*, One thouſand ſix hundred ſeventy four, (and not after) of any Lands, Tenements, or Hereditaments within this Provinre, by any Perſon or Perſons whatſoever, that had Right to ſell, give, or grant ſuch Lands, Tenements, or Hereditaments, made by Writing only, with or without Seal, ſhall for ever, hereafter, be accounted good and available in Law, to bar the Heirs of ſuch Vendors, Donors, or Grantors; any Error in the Form only of ſuch Writing to the contrary notwithſtanding.

AND foraſmuch as divers Aſſignments of Patents, written on the Backſide of ſuch Patent for Land, are now worn out, and alſo other Sales in Paper, either worn out, or quite loſt, for which the Purchaſe-Money hath been, *bona fide*, paid; Be it further Enacted by the Authority, Advice, and Conſent aforeſaid, That all Sales, Gifts, or Grants, at any time before the ſaid Thirteenth Day of *April*, One thouſand ſix hundred ſeventy four, made by Perſons that Right had, as aforeſaid; if either the Sale, Gift, Grant, or Payment, *bona fide*, can be proved by Witneſſes, ſuch Sale, Gift, or Grant, ſhall for ever, hereafter, be accounted good and available in Law, to bar the Heirs of ſuch Vendors, Donors, or Grantors, or any Perſon claiming Dower from ſuch Vendor, Donor, or Grantor, any Law, Uſage, or Cuſtom to the contrary thereof notwithſtanding.

AND be it further Enacted by the Authority, Advice, and Conſent aforeſaid, That all Sales and Grants of any Lands, Tenements, and Hereditaments, made by Deed, Indented and Inroll'd ſince the ſaid Thirteenth Day of *April*, One thouſand ſix hundred ſeventy four, or that hereafter ſhall be ſo Made and Inroll'd, ſhall be good and available in Law, without Livery of Seizin.

AND whereas in the Year of Our Lord One thouſand ſix hundred ſeventy four, and in the Forty ſecond Year of the Dominion of the Right Honourable *Cæcilius*, Lord Baron of *Baltemore*, a very good Law was made, whereby it was Enacted by his ſaid Lordſhip, by and with the Advice and Conſent of the Upper and Lower Houſes of the then General Aſſembly, That no Manors, Lordſhips, Lands, Tenements, and Hereditaments whatſoever, within this Province, ſhould alter, paſs, or change from one to another (as by the ſaid Act, Relation being thereunto had, more at large may appear) except the ſame were Acknowledg'd and Inroll'd, as in the ſaid Law is directed: Be it therefore hereby Declared and Enacted by the Authority, Advice, and Conſent aforeſaid, That whatſoever Deed or Deeds, Conveyance or Conveyances, during the Continuance of the ſaid Law were Inroll'd, by Virtue of the ſaid Law, within the

time therein limited, are and ſhall be taken and adjudged to be effectual in Law, according to the Purport, Intent, and Meaning of ſuch Deed or Deeds, Conveyance or Conveyances Inrolled; and if any Deed or Deeds, Conveyance or Conveyances made during the Continuance of that Act, were ſealed and delivered, but not Inrolled according to the Intent of the ſaid Law, it is hereby Enacted and Declared, That nothing has paſt by ſuch Deed or Deeds, Conveyance or Conveyances, not Inrolled, as aforeſaid, the Repeal of the ſaid Law notwithſtanding.

And whereas at an Aſſembly held at the City of St. *Mary's*, on the Tenth Day of *May*, *Anno Dom.* One thouſand ſix hundred ninety two, in the Fourth Year of the Reign of our late Sovereign Lord and Lady King *William* and Queen *Mary*, of Bleſſed Memory, *An Act for Inrollment of Conveyances, and Securing the Eſtates of Purchaſers*, was then made, whereby it was Enacted, that no Manors, Lands, Tenements, or Hereditaments whatſoever within this Province, ſhall paſs, alter, or change from one to another, whereby the Eſtate of Inheritance or Freehold, *&c.* ſhall take Effect, *&c.* as by the ſaid Law (Relation being thereto had) more at large doth appear; except the Deed or Deeds, Conveyance or Conveyances, by which the ſame were intended to paſs, alter, or change from one to another, were acknowledged and Inrolled as the ſaid Law directs; Be it hereby Enacted, and Declared, by the Authority, Advice, and Conſent aforeſaid, That whatſoever Deed or Deeds, Conveyance or Conveyances, during the Continuance of the ſaid laſt mentioned Act, were inrolled by Virtue thereof, within the Time therein limited, are and ſhall be taken and adjudged to be effectual in Law, according to the Purport, Intent, and Meaning of ſuch Deed or Deeds, Conveyance or Conveyances Inrolled; and if any Deed or Deeds, Conveyance or Conveyances, made during the Continuance of that Act were ſealed and delivered, but not inrolled according to the Intent of the ſaid Law, it is hereby Enacted and Declared, that nothing has paſt by ſuch Deed or Deeds, Conveyance or Conveyances, not inrolled, as aforeſaid, the Repeal of the ſaid Act notwithſtanding.

And whereas at a Seſſion of Aſſembly, begun and held at the Port of *Annapolis*, the Twenty ſeventh Day of *June*, and ended the Twenty ſecond Day of *July*, in the Eleventh Year of the Reign of our late Sovereign Lord King *William* the Third, *Anno Dom.* One thouſand ſix hundred ninety nine, *An Act for the Inrolling Conveyances, and Securing the Eſtates of Purchaſers*, was made, whereby for the better eſtabliſhing a Way and Method of Conveying of Manors, Lands, Tenements, and Hereditaments, and for avoiding the Abuſes and Deceits by Mortgages, it was Enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the ſame Aſſembly, and the Authority of the ſame, That no Manors, Lands, Tenements, or Hereditaments whatſoever, within this Province, ſhall paſs, alter, or change from one to another, whereby the Eſtate of Inheritance, or Freehold, or any Eſtate for above Seven Years, ſhould be made to take Effect, *&c.* as by the ſaid Act, Relation being thereunto had, more at large doth appear; Except the Deed or Deeds, Conveyance or Conveyances, by which the ſame could be intended to paſs, *&c.* were acknowledged and inrolled as the Law directs; Be it hereby Enacted, and Declared, That whatſoever Deed or Deeds, Conveyance or Conveyances, made during the Continuance of the ſaid Law, were inrolled by Virtue of the ſaid Law, within the Time therein limited, are and ſhall be taken and adjudged to be effectual in Law, according to the Purport, Intent, and Meaning of ſuch Deed or Deeds, Conveyance or Conveyances inrolled; and if any Deed or Deeds, Conveyance or Conveyances, made during the Continuance of that Act, were ſealed and delivered, but not inrolled according to the Intent of the ſaid Law; It is hereby Enacted and Declared,

That

That nothing hath paſt by ſuch Deed or Deeds, Conveyance or Conveyances not inrolled, as aforeſaid, the Repeal of the ſaid Act notwithſtanding.

AND for the better aſcertaining a Way and Method for Conveying of Manors, Lands, Tenements, and Hereditaments for the future, and for avoiding Abuſes and Deceits by Mortgages; Be it Enacted by the Kings moſt Excellent Majeſty, by and with the Advice and Conſent aforeſaid, That from and after the Publication hereof, no Mannos, Lands, Tenements, or Hereditaments, whatſoever, within this Province, ſhall paſs, alter, or change from one to another, whereby the Eſtate of Inheritance, or Freehold, or any Eſtate for above Seven Years ſhall be made, or take Effect in any Perſon or Perſons, or any Uſe thereof to be made by reaſon of any Bargain and Sale only, except the Deed, or Conveyance, by which the ſame ſhall be intended to paſs, alter, or change, the ſame be made by Writing indented and ſealed, and the ſame to be acknowledged in the Provincial Court, or before One Juſtice thereof, or in the County Court, or before Two Juſtices of the ſame, where ſuch Manors, Lands, Tenements, or Hereditaments do lye, and inrolled within Six Months after the Date of ſuch Writing indented, as aforeſaid; and for the taking of ſuch Acknowledgement, there ſhall be paid to the Party or Parties taking the ſame, One Shilling, and no more: And the Clerk ſhall immediately upon the Receipt of ſuch Deed indorſe the Time of his receiving the ſame on the Back thereof, and ſhall well and truly inroll ſuch Deed or Conveyance in a good ſufficient Book in Folio, to be regularly alphabetted in the Names of both Parties, and to remain in the Cuſtody of the Clerk of the ſaid Court for the time being, among the Records of the ſame Court, and that the ſame Clerk ſhall on the Back of every ſuch Deed in a full Legible Hand, make an Indorſement of ſuch Inrollment, and alſo of the Folio of the Book in which the ſame ſhall be inrolled, and ſhall to ſuch Indorſement ſet his Hand.

PROVIDED always, and be it further Enacted by the Authority aforeſaid, That when the Grantor or Grantors, Bargainor or Bargainors of ſuch Lands, Tenements, or Hereditaments, ſhall live remote from either the Provincial Court, or County Court where the Land lieth, it ſhall and may be lawful for ſuch Grantor or Bargainor to acknowlege the ſame in the County where ſuch Bargainors live; and a Certificate of ſuch Acknowlegement, under the Hand of the County Clerk, and under the Seal of the ſame County of ſuch Acknowlegment, ſhall be taken, deem'd, reputed, and be as good and valid, as if the ſame had been acknowleged either in the Provincial or County Courts where ſuch Land lieth, and be a ſufficient Warrant for ſuch County Clerk where the Land lieth, to inroll the ſame; and if any ſuch Grantor or Bargainor of any Lands, or Tenements, as aforeſaid, ſhall happen to be out of this Province, within any of His Majeſty's Dominions, at the time of enſealing ſuch Writing or Writings indented, ſo as the ſame cannot be acknowleged, as is before directed, or inrolled within the Time for that Purpoſe herein before limited, that in every ſuch Caſe ſuch Lands, or Tenements, as aforeſaid, ſhall be acknowleged by a Letter of Attorney, well and ſufficiently proved, either in the Provincial or County Court where ſuch Lands or Tenements lye, or before One Juſtice of the Provincial Court, or Two Juſtices of the County Court, as aforeſaid, and be inrolled, as aforeſaid; Any thing herein before contained to the contrary thereof notwithſtanding.

AND be it further Enacted by the Authority aforeſaid, That every ſuch Writing indented, to be acknowledged and inrolled, as aforeſaid, ſhall have Relation as to the paſſing and conveying of the Premiſſes, and the Eſtate and Eſtates thereby paſſed, or intended to be paſſed, and conveyed by and from the Day of the Inrollment of the ſame, and not from the Day of the Date thereof, and ſhall at all times be conſtrued and taken more favourably and beneficially for the Benefit and Advantage of the Grantee or Grantees, and more

ſtrongly

ſtrongly for the barring the Grantors therein to be named, and according to ſuch Intents, as by the Words thereof ſhall appear to have been the true Intent of the Parties thereunto, although the ſame be not ſo firmly drawn as is uſed in *England*, where the Advice of Council, Learned in the Law, may be eaſily had.

PROVIDED always, That if any *Feme Covert*, be named as a Grantor in any ſuch Writing indented, the ſame ſhall not be in force to debar her or her Heirs, except upon her Acknowledgment of the ſame; and the Perſon or Perſons taking ſuch her Acknowledgment, ſhall examine her privately, out of the hearing of her Husband, whether ſhe doth make her Acknowledgment of the ſame willingly, and freely, and without being induced thereto by Fear or Threats of, or of Ill-Uſage by her Husband, or Fear of his Diſpleaſure; and that the Perſon or Perſons ſo examining her, ſhall, in a Note or Certificate of the taking the ſaid Acknowledgment, certify her Examination, and Acknowledgment thereupon; and that ſuch Certificate be likewiſe inrolled upon Record: In which Caſe, and by ſuch Acknowledgments and Certificates, *Femes Covert* ſhall be barred, and not otherwiſe, and ſhall alſo be barr'd of their Dower by ſuch like Acknowledgment, where they have only a Right of Dower in the Eſtate conveyed, although not named in the Deed thereof; any thing herein contained to the contrary notwithſtanding.

PROVIDED always, and be it further Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That, where any Acknowledgment or Acknowledgments of any Deed or Deeds, Conveyance or Conveyances by them that Right had to grant, bargain, and ſell any Manors, Lands, Tenements, or Hereditaments within this Province, have been made, during the Continuance of any the former recited Acts of Aſſembly, before One Juſtice of the Provincial-Court, or before One or Two of the Council, and inrolled according to the Direction of the former Acts, ſhall be good and effectual in Law, to all Intents, Conſtructions, and Purpoſes whatſoever; any thing in this Act contain'd to the contrary thereof, in any wiſe, notwithſtanding.

Paſs'd June 3*d*, 1715.

An Act, directing the Manner of Electing and Summoning Delegates and Repreſentatives to Serve in ſucceeding Aſſemblies; and for Aſcertaining the Expences of the Councillors, Delegates of Aſſembly, and Commiſſioners of the Provincial and County-Courts of this Province. N° 67.

FORASMUCH as the chiefeſt and only Foundation and Support of any Kingdom, State, or Commonwealth, is the providing, eſtabliſhing, and enacting good and wholſome Laws for the good Rule and Government thereof, and alſo upon any neceſſary and emergent Occaſion to raiſe and levy Money for the Defraying the Charges of the ſaid Government, and the Defence thereof; neither of which, according to the Conſtitution of this Province, can be made, ordained, eſtabliſhed, or raiſed, but by and with the Conſent of the Freemen of this Province, by their ſeveral Delegates and Repreſentatives by them freely nominated, choſen, and elected to ſerve for their ſeveral Cities and Counties in a General Aſſembly: And foraſmuch as the ſafeſt and beſt Rule for this Province to follow, in electing ſuch Delegates and Repreſentitives, is the Precedents of the Proceedings in Parliaments in *England*, as near as the Conſtitution

of this Province will admit: The Governor, Council, and Delegates of this preſent General Aſſembly, do humbly pray that it may be Enacted; And be it Enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of His Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That, for the future, when, and as often as his Excellency the Governor of this Province, for the time being, ſhall, upon any Accident, and urgent Affair of this Province, think fit to call and convene an Aſſembly, and to ſend out Writs for electing of Burgeſſes and Delegates to ſerve in ſuch Aſſembly, ſuch Writs ſhall iſſue forth Forty Days, at leaſt, before the Meeting of ſuch Aſſembly; the Form of which Writ, for electing Delegates and Repreſentatives ſhall be as followeth:

GEORGE, by the Grace of God, of *Great Britain*, *France* and *Ireland*, King, Defender of the Faith, &c. To the Sheriff of County, Greeting.

THESE are to Command, Authorize, and Impower you, immediately, upon Receipt hereof, to call together Three or more Juſtices of your County, whereof One to be of the Quorum, *with the Clerk of the County-Court, who are hereby required to ſit as a Court; and during their Sitting, by Virtue of your Office, to make, or cauſe to be made publick Proclamation, thereby giving Notice to all the Freemen of your ſaid County, who have within the ſaid County a Freehold of Fifty Acres of Land, who ſhall be Reſidents, and have a Viſible Eſtate of Forty Pounds* Sterling, *at the leaſt, therein requiring them to appear at your County-Court-Houſe at a certain Time, not leſs than Ten Days after ſuch Proclamation made, for electing and chooſing Deputies and Delegates, to ſerve for your ſaid County in a General Aſſembly, to be held at the Day of to which Time you ſhall Adjourn your ſaid Court; And during the Courts Sitting, the ſaid Freemen, ſo required to appear, or the major Part of ſuch of them, as ſhall then appear, ſhall and may, and are hereby authorized and required to elect and chooſe Four ſeveral and ſufficient Freemen of your County, each of them having a Freehold of Fifty Acres of Land, or who ſhall be a Reſident, and have a Viſible Eſtate of Forty Pounds* Sterling, *at the leaſt, within your County, whether the Party ſo elected be preſent or abſent, the ſaid Election to be made in ſuch Manner and Form, as the Laws of* England *and this Province do direct and provide: And you are to inſert the Names of the ſaid Perſons Elected in certain Indentures, to be then made between you the ſaid Sheriff and the Electors; (that is to ſay) Two Indentures for each Delegate, each Indenture having thereto your Hand and Seal, and the Hands and Seals of the ſeveral Electors by them Subſcribed, that the*

ſeveral

ſeveral Deputies and Delegates, for themſelves, and the Counties aforeſaid, may have, ſeverally, full and ſufficient Power to do and conſent to thoſe things, as then and there, by the Favour of God, ſhall happen to be ordained by the Advice and Conſent of the Great Council of this Province, concerning ſuch Occaſion, and Affairs as ſhall relate to the Government, State, and Defence thereof: But we Will not, in any wiſe, that you, or any other Sheriff in our ſaid Province be Elected; and that upon ſuch Election, you, the ſaid Sheriff, ſo ſoon as conveniently may be, give Notice to the Parties elected, (if abſent) and certify and tranſmit to the Chancellor of this Province, for the time being, One of the Two ſeveral Indentures affixed to theſe Preſents, cloſe ſealed up, and directed to the Chancellor of this Province, for the time being; and the other Part of the ſaid Indentures you are to keep for your Juſtification. Witneſs, &c.

And be it further Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That the aforeſaid Four Delegates, to be elected in the reſpective Counties within this Province, be, and are hereby bound and obliged to attend at the Time and Place of the Meeting of ſuch Aſſembly, without any further Writ or Summons to be to them ſent, under the Penalty of ſuch Fines as ſhall be, by the Houſe of Delegates, impoſed upon them, unleſs, upon ſufficient Excuſe, to be admitted by the Houſe of Delegates, their Abſence be diſpens'd with; any Law, Uſage, or Cuſtom to the contrary notwithſtanding.

Provided alſo, That no Ordinary Keeper within this Province, during the Time of his Ordinary Keeping, or any other Perſon, diſabled by any Laws of *England* from ſitting in Parliament, ſhall be elected, choſen, or ſerve as a Deputy or Repreſentative in the ſaid General Aſſembly, ſo to be hereafter called, convened, and appointed, as aforeſaid.

And be it further Enacted by the Authority aforeſaid, That any Sheriff within this Province, who ſhall not give ſpeedy Notice to the Inhabitants of his County, of the Time and Place where ſuch Election ſhall be made, as well by Proclamation, as aforeſaid, and by cauſing the ſame to be read in all Churches, Chapels, and all other publick Places within his ſaid County, as alſo by Notes thereof ſet up at ſuch Places, thereby the better to inform the Inhabitants of the County, requiring them, under the Penalty of One hundred Pounds of Tobacco, to appear at ſuch Time and Place appointed for Election: And if any Sheriff, as aforeſaid, who ſhall make, or cauſe to be made any undue or illegal Election, or Returns thereof, or neglect to make Returns of the Delegates ſo to be elected by Indenture, before the Day of Sitting of ſuch Aſſembly, purſuant to the Direction of the ſaid Writs, ſhall, for every ſuch Fault, be fined Two hundred Pounds *Sterling*; One half to His Majeſty, His Heirs and Succeſſors, for the Support of Government, and the other Half to the Informer, or him or them that ſhall ſue for the ſame, to be recovered in any Court of Record within this Province, that may have Juriſdiction of the ſame, by Action of Debt, Bill, Plaint, or Information, wherein no Eſloign, Protection, or Wager of Law to be allowed.

And be it further Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That all Freeholders, Freemen, and other Perſons, qualified to give Votes in the Election of Delegates, ſhall, and are hereby obliged to be and appear at the Time and Place appointed for Elections, to be hereafter

hereafter had or made of any Delegates, Burgeſſes and Citizens, to ſerve in any Aſſembly for this Province, under the Penalty of One hundred Pounds of Tobacco for every Perſon ſo qualified, as aforeſaid, neglecting to appear; One half thereof to the King's Majeſty, His Heirs and Succeſſors, for and toward the County-Charge, and the other Half to the Informer that ſhall complain to any One or more Juſtices or Magiſtrates of ſuch Abſence; which Juſtice or Juſtices, or other Magiſtrates, are hereby impowered to determine ſuch Complaints, and award Execution for the ſaid Penalty, unleſs the ſaid Perſon or Perſons ſhall, at the next County-Court, after ſuch Election, ſhew ſufficient Cauſe for his or their Abſence, to be allowed and approved of by the Juſtices of the ſeveral County-Courts in this Province.

PROVIDED nevertheleſs, That this Act or any thing herein contained, ſhall not extend to be conſtrued to exclude any County or Counties, City or Cities, Borough or Boroughs, hereafter to be erected and made within this Province, from the Liberty of ſuch Elections of Delegates and Repreſentatives, as is here before expreſſed; but that ſuch Writ, as aforeſaid, ſhall, upon calling every General Aſſembly of this Province, for the future, be directed to the Sheriff of every ſuch County, when the ſame ſhall be erected and made into a County, as aforeſaid, and to the Mayor, or Recorder, and Aldermen of every ſuch City or Borough, commanding ſuch Sheriff, or Mayor, Recorder or Aldermen, to cauſe Four Freemen of the ſaid County, and Two Freemen of the ſaid City or Borough, qualified as in the aforeſaid Writ is expreſſed, to ſerve as Delegates and Repreſentatives of the ſame County, City, or Borough, in the General Aſſembly next enſuing; which ſaid Four Delegates for every ſuch County, and Two for the City or Borough, ſhall from thenceforth be reputed and deemed to be Members of the Houſe of the General Aſſembly of this Province; Any thing in this Act in any wiſe to the contrary notwithſtanding.

AND for the Aſcertaining, Limiting, and Allowing unto the ſeveral and reſpective Counſellors, Deputies and Delegates, that ſerve or ſhall ſerve in the General Aſſembly of this Province, and of the ſeveral and reſpective Commiſſioners of the Provincial and County-Courts of this Province, ſuch Sum and Sums of Tobacco, as is hereby thought neceſſary and ſufficient for their Defraying their Charges in attending ſuch Aſſemblies and Courts; Be it Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, that all ſuch Councillors be allowed the Sum of One hundred and fifty Pounds of Tobacco *per* Day, and the Delegates and Burgeſſes of Aſſembly ſhall be allowed the Sum of One hundred and forty Pounds of Tobacco *per* Day, during the time they ſhall attend ſuch Aſſembly, and no more, beſides their Itinerant Charges, to be paid and allowed them out of the Publick Levy of this Province, and the ſeveral and reſpective Commiſſioners of the Provincial Court for the Defraying their Charges and Expences, during the time they ſhall ſit and attend ſuch Courts, the Sum of One hundred and forty Pounds of Tobacco *per* Day, and no more, beſides their Itinerant Charges, to be paid them likewiſe out of the Publick Levy of this Province, as aforeſaid, and the ſeveral Commiſſioners of the County-Courts, ſhall be allowed for the Defraying their Expences, during the Time they ſhall ſit and attend ſuch Court, as aforeſaid, the Sum of Eighty Pounds of Tobacco *per* Day, and no more, which Sum of Eighty Pounds of Tobacco, as aforeſaid, the Commiſſioners of the County-Courts are hereby impowered to aſſeſs and levy on the Taxable Perſons of the ſeveral Counties where ſuch Commiſſioners ſhall ſerve, as aforeſaid, for the Defraying the Expences aforeſaid, and no more.

Paſs'd June 3*d*, 1715.

An

An Act, Prohibiting all Maſters of Ships or Veſſels, or any other Perſon, from Tranſporting or Conveying away any Perſon or Perſons out of this Province, without Paſſes. No. 67.

BE it Enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of His Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That from and after the Publication hereof, any Perſon or Perſons whatſoever, intending to depart this Province, ſhall firſt give Notice of his, her, or their intended Departure, by ſetting up his, her, or their Name or Names at the Secretary's Office of this Province, and alſo at the Door of the Court-Houſe of the County, where ſuch Perſon reſides at the Time of ſetting up ſuch Name, as aforeſaid, the full Space of Three Months; that if in the Time aforeſaid no Perſon ſhall Underwrite the ſaid Perſon or Perſons, ſo ſetting up his, her, or their reſpective Name or Names, as aforeſaid, it ſhall be then lawful for the Governor, Keeper of the Great Seal, or Secretary of this Province, for the Time being, upon Certificate thereof from the Clerk of the Provincial-Court, and the Clerk of ſuch County-Court where ſuch Name ſhall be ſet up, as aforeſaid, to ſign a Paſs or Paſſes to any ſuch Perſon or Perſons to depart this Province, for which the Party ſhall pay to the Secretary for Signing the ſame, the Sum of Two Shillings and Six Pence, and to the Clerk of the Provincial and County-Courts Twelve Pence each: And if any Perſon or Perſons, upon any ſudden or emergent Occaſion, are neceſſitated to depart this Province, not having ſet up his, her, or their Names at the Secretary's Office and County-Court-Houſe Door, as aforeſaid; then ſuch Perſon or Perſons, giving good and ſufficient Security to the Governor, Keeper of the Great Seal, or Secretary, to diſcharge and pay all Debts, Dues, and Demands whatſoever, due, owing, or demandable from the ſaid Perſon to any of the Inhabitants of this Province; then the ſaid Perſon or Perſons may have a Paſs, containing a Certificate of ſuch Security given, for which ſhall be paid the ſame Fee, as aforeſaid.

AND be it further Enacted, That any Maſter of Ships or Veſſels, or other Perſons whatſoever, that ſhall tranſport or convey out of this Province, by Land or Water, any Perſon, being indebted by Bill, Bond, or Account, or otherwiſe, to any Inhabitant thereof, without ſuch Paſs or Paſſes under the Hand of the Governor, Chancellor, or Secretary, as aforeſaid, ſhall be liable to ſatisfy all ſuch Debts, Engagements, and Damages, to the Perſon or Perſons to whom ſuch Debts or Damages reſpectively ſhall be due within this Province; except the ſame be otherwiſe ſatisfied, or that the Tranſporter or Conveyer away of ſuch Perſon or Perſons procure ſuch Perſon or Perſons to return again within One Month after, whereby he may be liable to juſtify here: And every ſuch Perſon, as aforeſaid, as ſhall tranſport or convey away out of this Province any Servant or Servants, being Servants here by Condition for Wages, Indenture, or Cuſtom of the Country, ſhall be liable to pay and ſatisfy unto the Maſter or Owner of ſuch Servant or Servants ſo carried away, all ſuch Damages as he or they ſhall make appear to be juſtly due to ſuch Maſter or Owner for want of ſuch Servant, as the Court, before whom ſuch Cauſe ſhall be try'd, ſhall think fit.

AND whereas ſeveral ill-minded People, inhabiting and reſiding at the Head of the Bay, have commonly ſet Perſons over the Head of the Bay, and *Suſquehannah* River, being either Felons, Debtors, or run-away Servants, from the more remote Parts of this Province, for ſome ſmall Advantage they have in buying or getting ſuch Money, Goods, or Apparel, as ſuch Perſons, ſo abſenting or flying from Juſtice, as aforeſaid, have with them, having with them generally Money, Goods, or Apparel, by them feloniouſly

purloyned from their Maſters and other Owners, by which Means they may more eaſily travel to any other Government, in Prevention and Delay of Juſtice, and to the great Damage of ſuch Creditors, Maſters, or Owners aforeſaid; Be it therefore Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That from and after the Publication hereof, no Perſon or Perſons inhabiting or being at the Head of the Bay, or in any other Part of this Province, ſhall tranſport or convey, or cauſe to be tranſported or conveyed over *Suſquehannah* River aforeſaid, or any Part of the Province above the North-Side of *Saſafras* River on the Eaſtern Shore of the Bay, or over *Potomack* or *Pocomoke* Rivers, into the Colony of *Virginia*, not having Paſſes, ſo procured, as aforeſaid, or a Certificate from under the Hands of Two Juſtices of the Peace of the County where ſuch Perſon or Perſons, intending to travel, ſhall inhabit, and the County Seal affixed thereto, certifying the Freedom of ſuch Perſons, and that he, ſhe, or they are clear, to the beſt of their Knowledge, from any Engagements, impeding their Travelling, as aforeſaid, on Penalty of anſwering all ſuch Debts and Damages to Creditors, Maſters, or other Owners of Servants, to be recovered, as by this Law is provided, againſt ſuch as ſhall actually ſet themſelves out of this Province.

AND be it further Enacted by the Authority, Advice, and Conſent aforeſaid, That whatſoever Perſon or Perſons ſhall, from henceforth, intice, tranſport, or ſecretly carry or ſend away, out of this Province, any Apprentice, or other Servant or Slaves belonging to any Inhabitants in this Province, ſhall, for every ſuch Offence, forfeit and pay to the Imployer or Owner of ſuch Apprentice, or other Servant or Slave, Treble Damages and Coſts, to be adjudged by the Juſtices of each reſpective County-Court, or the Juſtices of the Provincial-Court, for the Time of ſuch Apprentices, or other Servants or Slaves, unlawfully being tranſported or carried away, as aforeſaid.

Paſs'd June 3*d*, 1715.

№ 68. *An Act, relating to the Standard of* Engliſh *Weights and Meaſures.*

WHEREAS the Standards of *Engliſh* Weights and Meaſures are very much impaired in ſeveral of the Counties of this Province, and in ſome wholly loſt and unfit for Uſe; Be it Enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of His Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That the Juſtices of the ſeveral County-Courts ſhall, by all convenient Speed, at the Charge of their reſpective Counties, cauſe the Standards they already have, to be made compleat, and purchaſe new Standards where they have none; and for the better Preſervation of them for the future, that they take good and ſufficient Security, in His Majeſty's Name, for the Uſe of the County where taken, from the Perſon that ſhall be intruſted by them to keep ſuch Standard, in the penal Sum of Fifty Pounds *Sterling*, for the ſafe Keeping ſuch Standard, and for the due Execution of the Office of Standard-Keeper, and for the delivering the ſame up in the like good Order they receive the ſame, when they ſhall be legally diſcharged from ſuch Truſt, under the Penalty of Five hundred Pounds of Tobacco for each Juſtice of that County-Court that ſhall omit to do what is required of them by this Act; the One half to His Majeſty, His Heirs and

and Succeſſors, for the Support of Government, the other Half to the Informer, or him or them that ſhall ſue for the ſame, to be recovered in the Provincial-Court of this Province againſt ſuch Juſtices, jointly or ſeverally, by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoign, Protection, or Wager of Law to be allowed.

And be it further Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That all Perſons, whether Inhabitants or Foreigners, ſhall repair and bring their Stilliards, with which they weigh and receive their Tobacco, to the Standard yearly, and every Year, to be tried, ſtampt, and numbred; for which they are to pay the Perſon keeping the Standard, One Shilling for every Time ſuch Stilliards ſhall be tried and ſtampt, as aforeſaid: And every Perſon or Perſons ſhall have their Buſhel, Half Buſhel, Peck, Gallon, Pottle, Quart, and Pint, if they make uſe of the ſame, or any of them, in Buying or Selling, duly tried and ſtampt at the Standard aforeſaid; except ſuch of the Meaſures aforeſaid as come out of *England*, and are there ſtampt; for which Trying and Stamping they ſhall pay Six-pence a Piece. And whoſoever ſhall preſume to ſell by any Dry Meaſures, without firſt having the ſaid Meaſures tried and ſtampt at the Standard, ſhall forfeit the Sum of Five hundred Pounds of Tobacco: And whoſoever likewiſe ſhall preſume to weigh and receive Tobacco by Stilliards, which have not, within One Year paſt, from ſuch Weighing and Receiving, been tried and ſtampt at the Standard, ſhall forfeit and pay One thouſand Pounds of Tobacco; the one Half of which aforementioned Forfeitures to be paid to His Majeſty, His Heirs and Succeſſors, towards the Defraying the Charge of the County where the Offender ſhall dwell or reſide, and the other Half to the Informer or Informers; to be recovered in any County-Court of this Province, by Bill, Plaint, or Information, wherein no Eſſoign, Protection, or Wager of Law to be allowed. And if any Perſon or Perſons ſhall refuſe to pay any Tobacco by ſuch Stilliards tried and ſtamped, as aforeſaid, and ſhall thereby compel the Owner to have them tried over again within One Year; if the Stilliards are true, ſuch Perſon ſo refuſing or compelling, as aforeſaid, ſhall pay for the new Stamping; but if not, the Owners of the Stilliards to pay for the ſame.

Paſs'd June 3*d*, 1715.

An Act for ſecuring Merchants and others Tobacco, after they have received it; and declaring the altering the Mark or Quality thereof to be Felony; and againſt falſe Packing. N° 69.

Be it Enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of His Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That from and after the Publication hereof, every Houſe-Keeper and Inhabitant within this Province, having a Plantation, whereon he maketh, or cauſeth to be made any Tobacco, ſhall build and erect, or otherwiſe fit up and make ready, a good tight Houſe, with a good Door, Lock, and Key upon every Plantation where ſuch Tobacco is made, as aforeſaid, and ſufficient to contain the Tobacco made on every Plantation.

And be it further Enacted by the Authority aforeſaid, That every Inhabitant or Houſe-Keeper, as aforeſaid, having a Plantation, whereon he maketh, or cauſeth to be made any Tobacco, as aforeſaid, and that ſhall pay away and diſpoſe of any Tobacco to any Merchant, Maſter or Ship-Sailor, or any other Perſon

Perſon whatſoever, ſhall, notwithſtanding ſuch Diſpoſal or Payment, ſecure and keep the ſaid Tobacco, as he would do his own proper Goods, for and during the Space of One whole Year, commencing from the Time the Tobacco was received, as aforeſaid: And if any Tobacco ſo received, as aforeſaid, for want of ſuch Houſe, as aforeſaid, ſhould be damnified or ſtole, the Perſon neglecting to provide ſuch Houſe, ſhall make Satisfaction to the Party that received the ſame: Provided always, That nothing in this Act contained, ſhall be conſtrued, meant, or intended to make any Inhabitant or Houſe-Keeper liable to any Damage which ſhall or may happen to any Tobacco ſo left with him to keep ſecure, through any other Caſualty whatſoever.

And be it Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That any Perſon or Perſons whatſoever, Merchants and others within this Province, that have at any Time, within Twelve Months laſt paſt, received, marked or nailed, or for the future ſhall receive, mark, or nail any Hogſhead or Hogſheads of Tobacco within this Province of any Perſon or Perſons, Debtors within the ſame, and which hath been paid and delivered to them for Satisfaction of their ſaid Debts, and ſuch Merchants or others have Receipt Marking or Nailing, and nailing ſuch Hogſhead or Hogſheads of Tobacco delivered up their Bills or other Security to their reſpective Debtors of their ſaid Debts; or if the ſaid Merchants or others have given Releaſes or Diſcharges to their ſaid Debtors of the ſaid Debt, and that before the ſaid Merchant or others could remove the ſaid Hogſhead or Hogſheads of Tobacco from the ſaid Debtor's Tobacco-Houſes; if any Sheriff ſhall come and ſeize ſuch Tobacco ſo marked and nailed, as aforeſaid, than then, and in every ſuch Caſe, if the Party refuſe to make and give to the ſaid Creditors ſome other full Satisfaction for their ſaid Debts; It ſhall and may be lawful for any Two of His Majeſty's Juſtices of the reſpective Counties within this Province, upon due Proof thereof made before them of the ſaid Debt and Sheriff's Seizure, as aforeſaid, and the Party, Debtor, refuſing to make that full Satisfaction to their Creditors for their ſaid Debts, at the ſaid Creditor's Requeſt, to award him Execution, with ſuch Coſts, not exceeding One hundred Pounds of Tobacco, againſt the Body, Goods, or Chattels of ſuch Debtor, to be executed by the Sheriff, for Satisfaction of the Creditor's juſt Debt and Coſts, as aforeſaid, in as full and ample Manner, as if the Debt were recovered by due Courſe of Law.

And be it further Enacted by the Authority, Advice, and Conſent aforeſaid, That the altering or ſcratching out of the Mark of any Tobacco received and paid in Hogſheads, or altering or changing the Quality of Tobacco in Hogſheads ſo received or paid, either by Uncaſing or otherwiſe, without lawful Warrant in Writing, under the Hand of ſuch Perſons who received the ſame, or for whoſe Uſe the ſame was received and paid, be deemed and adjudged Felony; and whoſoever ſhall be found guilty thereof by Confeſſion, or by Verdict of Twelve Men, in any Court of Record within this Province, ſhall have Judgment to reſtore Four-Fold to the Party grieved, and ſtand in the Pillory Two Hours, during the Court-Time, with his Offence fairly written in Paper, and placed on the Back of ſuch convict Perſon: Provided, That no Perſon be proſecuted on this Act for the aforeſaid Offence, after One Year and a Day, from the Time of the Offence committed.

And to prevent the fraudulent Practices uſed in packing Tobacco in Hogſheads; Be it Enacted by the Authority, Advice, and Conſent aforeſaid, That if any Perſon or Perſons, having the Poſſeſſion, Property, Rule, Direction, Overſeeing, or Government of any Plantation or Place, where Tobacco is or ſhall be made, ſhall uſe any falacious, fraudulent, or deceitful Means or Practices to conceal or hide any froſt-bitten, traſh Ground-Leaves, or ſmall Dule-Scrubs, or any Stalks, Stems, Wood, Stones, Dirt, or any other manner of Traſh, or old decayed Tobacco in the inward Parts of ſuch Hogſhead,

when the Generality of ſuch Tobacco, as ſhall be packed in the outward Parts is good, ſound, and merchantable, or that it ſhall be deemed or adjudged by the Court or the Jury, before whom ſuch Matter ſhall be tried, or called in queſtion, that ſuch Packing falſe, within the ancient, common, received Notion of what falſe Packing has been hitherto reputed to be, and any ſuch Hogſhead or Cask of Tobacco pay, or offer or tender to pay away, on any Account whatſoever; that then the Perſon or Perſons, that ſhall pack, or cauſe to be packed any ſuch Tobacco, in ſuch Manner, as aforeſaid, or wittingly ſuffer the ſame ſo to be, ſhall, for every Hogſhead that they ſhall ſo pack, or cauſe, or wittingly ſuffer to be ſo packed and paid, or offered or tendred to be paid away, forfeit and pay the Quantity of One thouſand Pounds of good, ſound, merchantable Tobacco in Cask; the one Half thereof to our Sovereign Lord the King, His Heirs and Succeſſors, towards the defraying the Charge of the County where ſuch Fact ſhall be committed, the other Half to the Party grieved; or, in Default of Proſecution by the Party grieved, within Three Months after Notice of ſuch Fact committed, to the Informer, or to him or them that ſhall ſue for the ſame; to be recovered in any Court of Record within this Province, by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoign, Protection, or Wager of Law to be allowed.

And whereas ſeveral People may complain, it will be an Hardſhip upon them to throw away all their ſmall, dull, ſcrubby Tobacco, and Ground-Leaves; Be it Enacted by the Authority, Advice, and Conſent aforeſaid, That if any Perſon or Perſons ſhall pack any ſuch Tobacco in Cask, or otherwiſe by it ſelf, without facing it with good Tobacco with Deſign of Deceit, and ſhall, before Sale of ſuch Tobacco, declare to the Party purchaſing ſuch Tobacco, the Nature and Quality thereof, they ſhall not incur the Penalties before in this Act impoſed on ſuch as falſe packed Tobacco; any thing in this Act to the contrary notwithſtanding.

Paſs'd May 25, 1715.

An Act for taking Special Bail in the ſeveral Counties of this Province, upon Actions or Suits depending in His Majeſty's Provincial-Court, and in the ſeveral County-Courts of this Province. N° 71.

For the greater Eaſe and Benefit of all Perſons, inhabiting or reſiding within this Province, in taking Recognizances of Special Bail in all Actions and Suits depending in His Majeſty's Provincial or County-Courts of this Province; Be it Enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of His Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That it ſhall and may be lawful to and for the Defendant, in any Writ iſſued, or to be iſſued out of the Provincial-Court, after Arreſt, and Bail given to the Sheriff for his Appearance, and before the Return of ſuch Writs, to go before One of the Juſtices of the Provincial-Court, or before the Preſident, or any Two Juſtices of the County-Court where ſuch Defendant ſhall be arreſted, with Two ſufficient Freeholders of this Province, ſuch as the Juſtice or Juſtices, before whom ſuch Defendant ſhall go, ſhall approve of, and then and there give Special Bail to any Action, wherein he ſhall be ſo arreſted by Virtue of ſuch Writ; which Bail

ſo taken, ſhall be delivered to the Sheriff of ſuch County where the ſame is taken, to be by him returned, with ſuch Writ, to the Provincial-Court.

AND be it further Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That when Special Bail is required in the Provincial-Court by the Plaintiff's Attorney, at the calling over the Appearance-Docket, and that the Court does rule, Special Bail ſhall be given, and the Party, againſt whom the Rule is given that he ſhall give Special Bail, be preſent, the Party Defendant ſhall then and there give Special Bail in open Court, and ſhall be deemed to be in the Cuſtody of the Sheriff that arreſted him in that Action, till he give Special Bail, as aforeſaid: But if the ſaid Party, Defendant, be not able at the Provincial-Court to procure ſuch Special Bail, then the ſaid Party ſhall be and remain in the Cuſtody of the ſame Sheriff that arreſted him, and by him in ſafe Cuſtody kept, guarded, and carried back into the County where the Defendant was arreſted, and there in ſafe Cuſtody kept, till he can procure ſuch Special Bail. And for the greater Eaſe of making and taking of Recognizances of ſuch Special Bail, it ſhall and may be lawful for One of the Juſtices of the Provincial-Court of this Province, or for the Preſident, or any Two Juſtices of the County-Court, to take and receive every ſuch Recognizance of Bail, as any Perſon or Perſons, who ſhall be deemed by him or them ſufficient Sureties, ſhall be willing or deſirous to acknowledge or make before him or them in the County, in any Action or Suit depending, or hereafter to be depending, in the ſaid Provincial-Court; which Recognizance, ſo required to be taken, as well before as after the Return of the Writ, ſhall be taken in ſuch Manner and Form as followeth, *viz.*

John Doe, Plaintiff, againſt *Richard Roe*, Defendant.

YOU, A. B. *and* C. D. *and either of you, do undertake for the ſaid* Richard Roe, *Defendant, in to be levied on your, or either of your Lands and Tenements, Goods and Chattels, to the Uſe of the ſaid* John Doe, *the Plaintiff, upon Condition, That if the ſaid* John Doe *do obtain Judgment in an Action of depending in the Provincial-Court, againſt the ſaid* Richard Roe, *the Defendant, that then the ſaid* Richard Roe *ſhall pay the Condemnation of the Court thereupon, or deliver himſelf to the Cuſtody of the Sheriff of County, in Satisfaction thereof, or you, or One of you will do it for him, they acknowledge themſelves to be content therewith, this Day of before me*

To the Honourable the Juſtices of the Provincial-Court.

Which ſaid Recognizance of Bail, ſo taken, as aforeſaid, ſhall be tranſmitted to the Juſtices of the ſaid Provincial-Court, Sitting, when and where ſuch Action or Suit ſhall be depending, together with a Warrant of Attorney, ſigned by the ſaid Defendant ſo giving Bail, directed to ſome, or any One of the Attorneys of the Provincial-Court aforeſaid; which Recognizance of Bail, ſo taken, as aforeſaid, the ſaid Court ſhall receive, upon an Appearance entred for the ſaid Defendant, by any One of the Attorneys of the ſaid Court, purſuant to ſuch Warrant; ſaving to the ſeveral Officers their lawful Fees, as have been received for taking Special Bail in Court, and ſhall be of like Force and Effect, as if the ſame were taken *de bene eſſe*, before the Juſtices of the Pro-

vincial-Court, during their Sitting, for taking every ſuch Recognizance of Bail, ſuch Juſtices of the Provincial-Court, or Preſident, or any Two Juſtices of the County-Court, that ſhall take ſuch Bail, ſhall receive only the Sum of Five Shillings, and no more.

And be it further Enacted by the Authority aforeſaid, That the Juſtices of the Provincial-Court ſhall make ſuch Rules and Orders for the juſtifying ſuch Bails, and make the ſame Abſolute, as to them ſhall ſeem meet, ſo as the Cognizor or Cognizors of ſuch Bail or Bails, be not compelled to appear in Perſon in the Provincial-Court, to juſtify him or themſelves.

And it is hereby further Enacted by the Authority, Advice, and Conſent aforeſaid, That ſuch Juſtice of the Provincial or County-Courts, before whom any Recognizance of Bail may happen to be taken, ſhall have, and Power is hereby given them, to examine the Sureties upon Oath, touching the Value of their reſpective Eſtates, for the better Satisfaction of the Juſtice or Juſtices that ſhall take the ſame Bail; any Law, Uſage, Cuſtom, or Practice to the contrary notwithſtanding.

And be it further Enacted, That any Juſtice or Juſtices of any Court, ſhall and may, on Application to them made by any Perſon or Perſons whatſoever, on any Action brought, or hereafter to be brought in any County-Court of this Province, take any Special Bail, according to the Rules before directed, for taking Special Bail to any Actions brought in the Provincial-Court; for the taking of which ſaid Recognizance of Bail in the County-Court, the ſaid Juſtice ſhall receive, as a Fee or Reward, the Sum of Two Shillings and Six Pence, and no more: And the ſaid Juſtices of the ſeveral County-Courts, upon the receiving the Bail to be given, as aforeſaid, ſhall act and do in all Things according to the Power, by this Act, given to the Juſtices of the Provincial Court aforeſaid, and the Bail ſo by them taken, ſhall be as effectual, to all Intents and Purpoſes, in the County-Court, as the Bails before directed ſhall be in the Provincial-Court; any Law, Statute, Uſage, Cuſtom, or Practice to the contrary notwithſtanding.

Paſs'd June 3*d*, 1715.

An Act for Ordering and Regulating the Militia of this Province, for the better Defence and Security thereof. No. 72.

Be it Enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of His Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That from and after the End of this preſent Seſſion of Aſſembly, the Militia of this Province ſhall be Muſtered, Trained, and Exerciſed, according to theſe Directions and Inſtructions following, *viz.* That every Colonel, Lieutenant-Colonel, Major, Captain of Horſe or Foot, already Commiſſionated, or hereafter to be Commiſſionated by his Excellency the Governor of this Province, for the time being, ſhall have Power to inliſt ſuch and ſo many, inhabiting within this Province not hereafter excepted, in their ſeveral and reſpective Diviſions, between Sixteen and Sixty Years of Age, as they ſhall think fit, by as equal Proportions of the ſaid Inhabitants, as poſſibly they can, to be of the Militia or Train-Bands of this Province; which ſaid Perſons ſo inliſted they ſhall muſter, exerciſe, and train in and at ſuch Places, and at ſuch certain Times, as to them ſhall ſeem meet, and as the Service, Safety, or Defence of this Province ſhall require, or as his Excellency the Governor of this Province, or Commander in Chief for the time being, ſhall ſo cauſe or order; and

and that every ſuch Colonel, Lieutenant-Colonel, Major, or Captain, ſhall give Notice or Summons, upon every Training or Muſtering, to every Perſon ſo inliſted, as aforeſaid, within his reſpective Diviſion or Limit, at the Head of his Company, or at the Houſe of the Party, by an Officer of his Company, or Warrant under his Hand, to appear at ſuch Time and Place, as he ſhall appoint for ſuch Training or Muſtering; and that if any Man, after ſuch Notice given, and Summons, as aforeſaid, ſhall neglect to appear at the Time and Place appointed, as aforeſaid, or that ſhall refuſe, when he hath ſo appeared, to be inliſted into the Militia and Train-Bands aforeſaid, or that being ſo inliſted, ſhall not, from time to time, as he ſhall be ſummoned or warned, as aforeſaid, and bring with him One good ſerviceable Gun, fixt, with Six Charges of Powder, ſhall, for every ſuch Offence, (if a Freeman) forfeit and pay the Sum of One hundred Pounds of Tobacco; and if a Servant, letted or hindred by his Maſter, Miſtreſs, or Overſeer, then ſuch Maſter, Miſtreſs, or Overſeer, to pay the like Sum of One hundred Pounds of Tobacco for every Servant ſo letted or hindred, as aforeſaid, for the Uſe of the Troop or Foot-Company to which he belongs, to purchaſe Drums, Colours, and other Neceſſaries for the ſaid Troop or Company, as the Field-Officers of the Militia in that County, or any Two of them, ſhall direct: Provided, That this Clauſe be not conſtrued to countenance any Officer to preſs Arms or Ammunition for any further Expedition or Service than Training; but that upon all ſuch Occaſions they ſhall be ſupplied out of the County-Magazine or Store; all which Forfeitures ſhall be heard, adjudged, and determined by the Colonel, Lieutenant-Colonel, Major, or any Two of them, and an Account thereof kept in Writing by the Clerk of ſuch Troop or Company; which ſaid Colonel, Lieutenant-Colonel, or Major, of ſuch County, or any Two of them, as aforeſaid, is hereby Authorized and Impowered to award Execution againſt the Body, Goods, and Chattels of ſuch Perſons, ſo neglecting, refuſing, or failing, as aforeſaid: And that, upon Occaſion of all ſuch Executions, the reſpective Clerks and Sheriffs of each reſpective County within this Province, ſhall iſſue out and ſerve Execution without Fee or Reward. And for Settling the Horſe-Forces, That a Captain of Horſe in each reſpective County, for making up of his Troop, ſhall inliſt his Number of Men out of the Inhabitants of the ſaid County, according to ſuch Inſtructions as he ſhall, from time to time, receive from the Governor of this Province, or the Colonel of the County, for the time being: Provided always, That ſuch Troopers ſhall ride their own Horſes, and that no Perſon ſhall be a Trooper without he be the Owner of a good ſerviceable Horſe, which ſhall paſs Muſter; and that ſuch Troopers, in Conſideration of their great Pay hereafter to be allowed, be bound and obliged to find themſelves with good, able, and ſufficient Furniture for their Horſes, and likewiſe to find themſelves with Swords, Carabines, Piſtols, Holſters, and Ammunition: And if any Troopers ſhall neglect or refuſe, upon Notice given them, as aforeſaid, to the Foot-Soldiers, to appear or muſter at the Time and Place appointed, as aforeſaid, by each reſpective Captain of Horſe, accoutred, as aforeſaid, required, as aforeſaid, ſhall forfeit and pay One hundred Pounds of Tobacco, to be levied, as aforeſaid, to the Uſe of the Troop, for the purchaſing of Trumpets and Colours, and other Neceſſaries, as the Commander ſhall think fit; and that all ſuch Troopers, for and in Conſideration aforeſaid, at all ſuch Times as they ſhall be out a Ranging, ſhall find their own Proviſions; but when in actual Service, to be found Proviſions at the Charge of this Province, to be paid by the Publick: And if it ſhall happen that any Trooper's Horſe ſhall be killed in the Service, then the ſaid Trooper to be paid for the ſaid Horſe by the Publick, and not otherwiſe. That all Perſons in Holy Orders, Delegates, Magiſtrates, and Conſtables, ſhall, in their proper Perſons, be exempted from being compelled to Muſter and Train, either in Horſe or Foot, during ſuch Time as they ſhall officiate or bear ſuch Offices, as aforeſaid: Provided, That this Clauſe ſhall not extend to

ſuch

ſuch Perſons as already have, or ſhall hereafter accept of Commiſſions for Military Service from the Governor of this Province for the time being, ſo as to diſcharge ſuch Perſons from their reſpective Charges, mentioned in ſuch their ſeveral and reſpective Commiſſions.

AND be it Enacted by the Authority aforeſaid, That all Negroes and Slaves whatſoever, ſhall be exempted the Duty of Training, or other Military Service; That the Pay for the Officers and Soldiers of the Foot and Horſe aforeſaid, be not other than is hereafter mentioned, and for no longer Time, than ſuch Officers and Soldiers ſhall be in actual Service, *viz.*

To every Colonel of Foot, Two thouſand Pounds of Tobacco *per* Month.

To every Lieutenant-Colonel of Foot, Fifteen hundred Pounds of Tobacco *per* Month.

To a Major of Foot, Twelve hundred Pounds of Tobacco *per* Month.

To a Captain of Foot, One thouſand Pounds of Tobacco *per* Month.

To a Lieutenant of Foot, Seven hundred Pounds of Tobacco *per* Month.

To an Enſign, Six hundred Pounds of Tobacco *per* Month.

To a Serjeant, Four hundred Pounds of Tobacco *per* Month.

To a Corporal, Four hundred Pounds of Tobacco *per* Month.

To a Drummer, Four hundred Pounds of Tobacco *per* Month.

To every Private Soldier, Three hundred Pounds of Tobacco *per* Month.

To every Major-General, or Chief Commander in the Field, Three thouſand Pounds of Tobacco *per* Month.

And that every Colonel of Horſe have Two thouſand three hundred Pounds of Tobacco *per* Month.

To every Lieutenant-Colonel of Horſe, Eighteen hundred Pounds of Tobacco *per* Month.

A Major of Horſe to have Fifteen hundred Pounds of Tobacco *per* Month.

A Captain of Horſe to be allowed Thirteen hundred Pounds of Tobacco *per* Month.

A Lieutenant of Horſe to be allowed One thouſand Pounds of Tobacco *per* Month.

To a Cornet, Nine hundred Pounds of Tobacco *per* Month.

To a Quarter-Maſter, Seven hundred Pounds of Tobacco *per* Month.

To a Corporal, Seven hundred Pounds of Tobacco *per* Month.

To a Trumpeter, Seven hundred Pounds of Tobacco *per* Month.

To every Private Trooper, Six hundred Pounds of Tobacco *per* Month.

And that all theſe Rates and Allowances for ſuch Officers and Soldiers aforeſaid, ſhall be allowed and paid, and no more; and the Months aforementioned, to be accounted, computed, and reckoned, according to Kalendar, and not otherwiſe.

AND to the Intent, that whenever it ſhall appear to the Governor, or Commander in Chief of this Province, for the time being, and his Council, to be neceſſary to raiſe Forces, for the Suppreſſing of any Foreign Invaſion, or Domeſtick Inſurrection or Rebellion, or any War with any *Indians*, that the aforeſaid Officers and Soldiers may be duly paid, according to the Proportions aforeſaid, and all other Charges and Expences, for the Charge and Management of ſuch War, may be duly paid and diſcharged, without which this Province cannot be defended and ſecured; Be it Enacted by the Authority aforeſaid, That from henceforth all ſuch neceſſary Charges of ſuch War, and Soldiers Pay, as aforeſaid, ſhall be paid, diſcharged, and defrayed by a publick Levy, by an equal Aſſeſſment upon the Taxables of this Province, by the Conſent of the Freemen of this Province, by their Repreſentatives in a General Aſſembly, or out of the publick Treaſure of this Province, and no otherwiſe whatſoever.

AND to the Intent the Inhabitants of this Province may not be abuſed, by having their Goods and Proviſions preſſed by looſe and idle Perſons, who many

times abuſe their Commiſſions, and the People; Be it further Enacted by the Authority aforeſaid, That from henceforth the Commiſſioners of each reſpective County ſhall, yearly, and every Year, *viz.* between the Twenty ninth Day of *September*, and the Twenty fifth Day of *December*, nominate and appoint Two honeſt and ſubſtantial Men of their County, to be Preſs-Maſters for the Year enſuing; and if any one die, or depart the County, or be lame or ſick within that Time, that then the next Juſtice of Peace to nominate and appoint another in his ſtead; that, if Occaſion require, they, and no other, ſhall impreſs Victuals, and other Things given them in Charge, to be preſt by Warrant from his Excellency the Governor, or Commander in Chief, for the time being; and if any others but Preſs-Maſters ſo appointed, ſhall preſume, upon Pretence of any Power, as a Preſs-Maſter, to ſeize, take, preſs, or carry away any Goods or Commodities of any the Inhabitants of this Province, he or they ſhall pay, to the Perſon grieved, Treble the Value of the Goods or Commodities ſo, as aforeſaid, unjuſtly preſt: Provided, That no Preſs-Maſter, or any Perſon or Perſons whatſoever, ſhall preſume at any time to ſeize, preſs, or carry away, from the Inhabitants, Reſidents in this Province, any Arms or Ammunition of any Kind whatſoever, upon any Duty or Service, or upon any Account whatſoever, unleſs by Order of his Excellency the Governor, or Commander in Chief of this Province, for the time being, under the Penalty aforeſaid; any Law, Statute, or Uſage to the contrary hereof in any wiſe notwithſtanding.

And be it likewiſe Enacted by the Authority aforeſaid, That the Commiſſioners of any County-Court within this Province, who ſhall not, between the Twenty ſeventh Day of *September*, and the Twenty fifth Day of *December*, in each reſpective Year, by Precept from the County-Court, ſigned by the Clerk of the Court, nominate and appoint ſuch and ſo many Preſs-Maſters for every County, as aforeſaid, ſhall each of them forfeit and pay unto His Majeſty, His Heirs and Succeſſors, for the Support of Government, the Sum of Five hundred Pounds of Tobacco; and ſuch Preſs-Maſters, who ſhall be ſo nominated and appointed, as aforeſaid, by ſuch Precept, as aforeſaid, to him or them directed, and ſhall thereupon refuſe or neglect to ſerve, and truly perform and execute the ſaid Place and Office of Preſs-Maſter, ſhall forfeit and pay to His Majeſty, His Heirs and Succeſſors, for the Support of Government, for every time he or they, ſo nominated and appointed, ſhall refuſe to ſerve, as aforeſaid, the Sum of Five hundred Pounds of Tobacco.

And for the better Encouragement of ſuch Soldiers, as ſhall, in the Time of War, adventure in the Service of the Country, and in Defence thereof, againſt *Indians*, or others; Be it Enacted by the Authority aforeſaid, That the Booty, Prize, Pillage, or Plunder, or any *Indian*, or other, ſeized or taken Priſoner, ſhall be, by the Commmander in Chief, beſtowed on ſuch Officer, Soldier or Soldiers, taking and ſeizing the ſame.

And for the Encouragement of ſuch Soldiers, as ſhall adventure their Lives in the Service and Defence of this Province, and for Proviſion of ſome reaſonable Penſion to be for the future ſettled on ſuch Soldiers, as ſhall happen to to be maimed, or rendred incapable to get a Livelihood for themſelves or Families; Be it Enacted by the Authority aforeſaid, That every Perſon, that ſhall adventure as a Soldier in any War or Defence of this Province, and ſhall therein happen to be maimed or receive Hurt, ſo as to be rendred incapable of getting a Livelihood, as aforeſaid, ſhall, according to his Diſability, receive a yearly Penſion, to be raiſed out of the Publick Levy of this Province, during the Time of ſuch his Diſability; and every Perſon ſlain in the Service of this Province, leaving behind him a Wife and Children, there ſhall alſo be allowed a competent Penſion to the Wife, during her Widowhood, and the Children, till they be of Years able to get their Living, or be put out Apprentices; and that this Penſion be yearly paid and allowed out of the Fifty thouſand Pounds of

Tobacco

Tobacco *per Annum*, to be raiſed by the Governor of this Province for the time being, or by the Council, as in this Act is hereafter provided, in the Intervals of Aſſemblies: The Party petitioning for ſuch Penſions and Allowances, procuring a Certificate from the County-Court where he, ſhe, or they live, that he, ſhe, or they, are Objects of Charity, and deſerve to have ſuch Penſion and Allowance.

AND be it further Enacted by the Authority aforeſaid, That if upon any Foreign Invaſion any Perſon or Perſons whatſoever (except before excepted) that ſhall be preſt, or be an inliſted Soldier within this Province, ſhall, upon the Command of his Officer, being a Captain at the leaſt, obſtinately refuſe to appear, and ſerve in Arms, for the neceſſary Defence of this Province; ſuch Perſon or Perſons ſo obſtinately refuſing to appear, and ſerve in Arms, as aforeſaid, ſhall, upon Certificate thereof under ſuch Officer's Hand, as aforeſaid, to the next Juſtice of Peace of the County where ſuch Party liveth, be proceeded againſt in Manner following; That is to ſay, The ſame Juſtice of Peace, to whom ſuch Certificate, as aforeſaid, ſhall be made, ſhall immediately iſſue out a Warrant to the Conſtable of the Hundred where ſuch Party liveth, to apprehend him, and bring him before himſelf, or ſome other Juſtice of the Peace of the ſame County, there to render a ſufficient Excuſe, if any he hath, for ſuch his Refuſal or Non-appearance, as aforeſaid; and if the Juſtice of Peace ſhall not find the Excuſe of ſuch Party, in ſuch Caſe, to be reaſonable and ſufficient, then he ſhall immediately commit ſuch Perſon to the Cuſtody of the Sheriff of ſuch County, there to remain, untill he ſhall find Surety to appear at the next Provincial-Court to be held for this Province, there to be proceeded againſt according to the due Courſe of Law; and if thereupon he ſhall be convict of ſuch obſtinate Refuſal or Diſobedience, as aforeſaid, he ſhall be fined and impriſoned, according to the Directions of the Juſtices of the Provincial-Court.

AND for the preventing the great Charges of annual Aſſemblies, who may meet for no other Occaſion, but to lay the Publick Levy in time of Peace; Be it Enacted by the Authority aforeſaid, That the Governor and Council, during the Intervals of Aſſemblies, for the Payment and Defraying of the ſmall Charges of this Province, be, and are hereby impowered, to aſſeſs the ſame, equally to be levied upon all the Inhabitants in this Province, for Defraying the ſaid ſmall Charges in time of Peace, as aforeſaid; any thing in this Act to the contrary notwithſtanding: Provided always, and it is the true Intent and Meaning of this Act, The ſaid Sums, for the ſmall Charges of this Province, ſo to be aſſeſſed by the Governor and Council upon the Inhabitants of this Province, as foreſaid, exceed not, in any One Year, the Sum of Fifty thouſand Pounds of Tobacco; and the Diſburſements of the ſame Tobacco to be accounted for at the next General Aſſembly after the Raiſing and Diſburſing the ſaid Tobacco, as foreſaid.

AND be it further Enacted by the Authority aforeſaid, That all Soldiers, hereafter to be imployed in any publick Service within this Province, be paid in the reſpective Counties where the ſaid Soldiers live.

AND be it further Enacted, That every Captain, Lieutenant, Cornet, or Enſign, refuſing or neglecting to appear at the Time and Place appointed for Training and Muſtering, ſhall be fined, as aforeſaid, for every time he or they ſhall refuſe or neglect to appear, the Sum of Two hundred Pounds of Tobacco, to be applied to the Uſe of the Troop or Company where the Perſon ſo fined doth belong, as aforeſaid, to be heard, adjudged, determined, and levied, by way of Execution, as aforeſaid: An Account of all which Fines, the ſeveral and reſpective Majors of the ſeveral and reſpective Counties, are hereby obliged to render to the Governor and Council yearly, on Pain of forfeiting the Sum of Five hundred Pounds of Tobacco, to be applied to the Uſe aforeſaid, and to be heard, adjudged, determined, or levied, by the Colonel or Lieutenant-Colonel,

by

by Way of Execution, as aforeſaid. This Act to endure for Three Years, and to the End of the next Seſſion of Aſſembly after the End of the ſaid Three Years.

Paſs'd June 3*d*, 1715.

№ 73. ***An Act for the Speedy Tryal of Criminals, and Aſcertaining their Puniſhment, in the County-Courts, when Proſecuted there; and for Payment of Fees due from Criminal Perſons.***

WHEREAS many Acts of Aſſembly have been heretofore made againſt Thieving and Stealing, which, at this preſent, are not ſufficient to prevent the Committing thoſe Crimes, or to puniſh them when committed; Be it therefore Enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of His Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That it ſhall and may be lawful to and for the ſeveral Juſtices of the County-Courts of this Province, to hold Plea of, adjudge, and in lawful Manner determine all Thieving and Stealing of any Goods or Chattels whatſoever, not being above the Value of One thouſand Pounds of Tobacco (Robbery, Burglary, and Houſe-breaking excepted) and every Perſon or Perſons, legally convicted of any ſuch Thieving and Stealing, (except before excepted) by Teſtimony of One ſufficient Evidence, not being the Party grieved, before any ſuch County-Court, as aforeſaid, ſhall and may cauſe to be puniſhed, by paying Four-fold of the Value of the Goods ſo thieved or ſtoln, as aforeſaid, and the ſtoln Goods return to the Party or Parties grieved thereby, and by putting into the Pillory, and whipping ſo many Stripes, as the Court, before whom ſuch Matter is tried, ſhall adjudge; (not exceeding Forty) which Court ſhall always adjudge the Value of the Goods ſo thieved and ſtolen, as aforeſaid; and if any ſuch Perſon ſo convicted, have not ſufficient Goods and Chattels, or be a Servant, whereby he is incapable to have Goods and Chattels to ſatisfie and pay the ſaid Four-fold; in every ſuch Caſe, ſuch Perſon or Perſons ſhall receive the Corporal Puniſhment, as aforeſaid, and ſatisfie the Four-fold, and Fees of Conviction, by Servitude.

AND be it hereby Enacted and Declared by the Authority, Advice, and Conſent aforeſaid, That the Time of Service of a Free Perſon convict, as aforeſaid, not having Goods and Chattels, as aforeſaid, ſhall commence from the Time of his Conviction, as aforeſaid; and the Time of Service of a Servant convict, as aforeſaid, ſhall commence at the Expiration of ſuch Time of Servitude, to which, at the Time of his Conviction, he ſtood bound; which Time of Servitude, for Satisfaction for the ſtoln Goods and Fees, accrued as aforeſaid, ſhall be adjudged by ſuch County-Court, either to the Party grieved, or any other Perſon the Court ſhall order ſuch Convict to, that will then and there pay, or ſecure to be paid, the Four-fold, and Coſts aforeſaid, at the Diſcretion of the Court: And if any Perſon or Perſons ſhall receive or take part of ſuch ſtoln Goods, or aſſiſt the Perſon, ſo ſtealing, as aforeſaid, to make away and conceal them, being legally convict, as aforeſaid, ſhall ſuffer the ſame Coporal Pains with the Party ſtealing, as aforeſaid; any Law, Statute, Uſage, or Cuſtom to the contrary notwithſtanding. And if any Perſon or Perſons have been once convicted of any ſuch Thieving and Stealing, (except before excepted) and

ſhall

ſhall after be again preſented for Thieving and Stealing of any Goods or Chattels, laid to be above the Value of Twelve Pence, it ſhall not be tried and determined by any County-Court; but the Party preſented, upon ſuch Preſentment, ſhall be proceeded againſt in the Provincial-Court as a Felon, for Simple Felony, but ſhall not be puniſhed by Death, but only paying the Four-fold, Branding with an Hot Iron, or ſuch other Corporal Puniſhment as the Court ſhall adjudge, ſaving Life; and ſuch Preſentment ſhall be, by the Clerk of every ſuch County-Court, immediately ſent to the then next Provincial-Court, together with a Tranſcript of his former Conviction, if ſuch Conviction was in the ſame Court where the Preſentment aforeſaid ſhall be, or otherwiſe made known to the Attorney-General, in what other Court ſuch former Conviction was, if to him known, under the Penalty of Five hundred Pounds of Tobacco, to our Sovereign Lord the King, His Heirs and Succeſſors, for the Support of Government: And the Parties, Witneſſes againſt ſuch Felons, if in Court at the Time of ſuch Preſentment, ſhall be bound over to give Evidence, as aforeſaid; or otherwiſe, if not in Court, an Account of their Names, and Places of Dwelling, to be ſent to the Attorney-General, to be ſummoned againſt the then next Provincial-Court, in order to ſuch Trial; and the Party preſented, if in Court, to be bound over alſo by due Courſe of Law, to anſwer ſuch Preſentment; or if not in Court, proceeded againſt by due Courſe of Law, as aforeſaid.

And be it further Enacted by the Authority, Advice, and Conſent aforeſaid, That if any Perſon or Perſons whatſoever, that ſhall kill any unmark'd Swine above Three Months old, if not upon his or their own Land, or not in Company with his or their own Stock, ſhall, and is hereby adjudged, an Hog-ſtealer, and ſhall be liable to reſtore Four-fold, and ſuffer ſuch Corporal Pains as againſt the firſt Offence in this Act mentioned.

And to prevent any Perſon or Perſons concealing or diſfiguring the Mark of any Swine, killed, as aforeſaid; Be it further Enacted by the Authority, Advice, and Conſent aforeſaid, That if any Perſon or Perſons, killing any ſuch unmark'd Swine in the Woods, or elſewhere, and ſhall wilfully diſfigure the Mark, or cut off the Ears of ſuch Swine, ſo as to conceal the true and real Mark, or whether it were mark'd or not, ſhall be deemed and adjudged a Hog-ſtealer within the Purview of this Act, and ſhall ſuffer accordingly.

And to prevent the abuſing, hunting, or worrying of any Stock of Hogs, Cattle, or Horſes, with Dogs, or otherwiſe; Be it Enacted, That if any Perſon or Perſons whatſoever, that have been convicted of any the Crimes aforeſaid, or other Crimes, or that ſhall be of evil Fame, or a Vagrant, or diſſolute Liver, that ſhall Shoot, Kill, or Hunt, or be ſeen to carry a Gun, upon any Perſon's Land, whereon there ſhall be a ſeated Plantation, without the Owner's Leave, having been once before warned, ſhall forfeit and pay One thouſand Pounds of Tobacco; one Half to our Sovereign Lord the King, His Heirs and Succeſſors, the other Half to the Party grieved, or thoſe who ſhall ſue for the ſame; to be recovered in any County-Court of this Province, by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoign, Protection, or Wager of Law, to be allowed.

And be it further Enacted by the Authority, Advice, and Conſent aforeſaid, That from henceforth no Sheriff, Goaler, Clerk, Cryer, or other Officer, ſhall charge either their own County, to which they belong, or the Publick, with any Fees for any Criminal committed to the Charge of the ſaid Sheriff, or Goaler, having ſufficient Eſtate in this Province wherewith to pay the ſame, or being capable to pay the ſame by Servitude; but that ſuch Criminals being diſcharged by Order and due Courſe of Law, ſhall pay their own Fees to Sheriff, Goaler, Clerk, and Cryer, and other Officers, being ſuch as they may demand according to Law, either out of his Eſtate, or by Servitude, or otherwiſe: Provided always, That this Act ſhall not extend to Malefactors

that are executed, or to ſuch other Perſons who are baniſhed, having no Eſtate in this Province, or to Servants, Criminals, for whom the County ſhall pay ſuch Fees, as are due by the Acts of Aſſembly, to the Sheriff, Goaler, Clerk, Cryer, or other Officers of ſuch Court where ſuch Criminal ſhall be convicted.

AND be it further Enacted by the Authority aforeſaid, That all Officers Fees, due by Law from criminal Servants, ſhall be paid by the County where the Fact ſhall be committed; and that all and every ſuch criminal Servants, for whom the County ſhall pay the Fees, due by Law to ſuch Officers, as aforeſaid, ſhall, after the End and Expiration of their Time of Servitude to their Maſter or Miſtreſs, ſatisfie and pay to the Commiſſioners of the County, who paid ſuch Fees for them to the Sheriff, and other Officers, as aforeſaid, for the Uſe of the County, ſuch Sums as they have paid, as aforeſaid: And the ſeveral Commiſſioners of the ſeveral Counties ſhall, and are hereby impowered, to make Inquiſition after all ſuch Servants, Criminals, for whom the County hath defrayed the ſaid Fees to the Sheriff, and other Officers, as aforeſaid; and they the ſaid Commiſſioners, according to their beſt Diſcretion, ſhall cauſe to be entred Rules for the Servants to make ſuch reaſonable Satisfaction to the County, as they ſhall think fit, and in ſuch Manner, as they ſhall find convenient.

AND for the better Security of the County which ſhall pay ſuch Fees for ſuch criminal Servants, as aforeſaid; Be it Enacted by the Authority aforeſaid, That the Maſter, Miſtreſs, or Dame, of all ſuch Servants, be, and are hereby injoyned and required, at the Expiration of the Time of ſuch Servant's Servitude to ſuch Maſter, or Miſtreſs, or Dame, to render and deliver up to the Sheriff of the County, for the Uſe of the County aforeſaid, ſuch Servants, Criminals, as aforeſaid, under the Penalties to ſuch Maſter, Miſtreſs, or Dame, refuſing or neglecting to deliver up ſuch Servants, as aforeſaid, of making Satisfaction to the County for all ſuch Fees, as by the County aforeſaid have been paid for ſuch Criminal, as aforeſaid; and ſuch Sheriff, to whom criminal Servants ſhall be delivered, as aforeſaid, is hereby required to receive and ſecure ſuch Servants, Criminals, as aforeſaid, ſo that he be and appear at the then next County-Court to be held for the ſaid County, to be diſpoſed of as the ſaid Court ſhall conſider.

Paſs'd June 3*d*, 1715.

N° 74. *An Act for Encouragement of Tillage, and Relief of Poor Debtors.*

BE it Enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of His Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That every Perſon or Perſons, Inhabitants of this Province, who, after the End of this Seſſion of Aſſembly, ſhall be indebted to any Perſon or Perſons whatſoever, Inhabitants of this Province, in any Sum or Sums of Money, or Quantity or Quantities of Tobacco, by Bill, Bond, Book-Debt, or Account, or that ſhall have any Judgment or Judgments given and entred againſt them in any Court of Record within this Province, it ſhall and may be lawful for ſuch Debtor or Debtors reſpectively, to pay and diſcharge themſelves from ſuch Debts and Judgments, when they have not the Specie for which the ſaid Judgments were given, by the ſeveral Things

Things following, being of the Growth and Production of this Province, (That is to ſay)

Beef, in well-ſeaſoned Cask, tared, and the Tare on the Head ſet, Merchantable, and Well-ſaved, at Three Pence Half-penny *per* Pound.

Pork, in well-ſeaſoned Barrels, or other Casks, tared, and the Tare on the Head ſet, Merchantable, and Well-ſaved, at Two Pence *per* Pound.

Bacon, at Three Pence Half-penny *per* Pound.

Dried Beef, at Three Pence *per* Pound.

Wheat, at Three Shillings and Six Pence *per* Buſhel.

Oats, at Two Shillings *per* Buſhel.

Barley, at Two Shillings *per* Buſhel.

Indian Corn, at One Shilling and Eight Pence *per* Buſhel.

Peaſe, at Three Shillings and Six Pence *per* Buſhel.

Beans, at Two Shillings and Six Pence *per* Buſhel.

And the Prices of the aforeſaid Commodities ſhall be rated in Tobacco at the Rate of One Penny *per* Pound, as they are before rated; and the Creditor and Creditors of ſuch Debtor are by this Act injoyned and required to take and accept ſuch Commodities, or any of them, from their Debtor or Debtors, in full Diſcharge of their ſaid Debts and Judgments, if tender'd and paid at any one convenient Place in the County.

AND be it Enacted by the Authority, Advice, and Conſent aforeſaid, That in caſe any Creditor or Creditors, who ſhall have Judgment or Judgments againſt any Debtor or Debtors, and ſhall refuſe to accept and take from his or their Debtor or Debtors ſuch Commodities, being of the Growth of this Province, as aforeſaid, in Satisfaction of the Judgment or Judgments aforeſaid, but ſhall ſue out Execution againſt the Debtor or Debtors upon the Judgment or Judgments aforeſaid, and impriſon the Debtor thereon; then it ſhall and may be lawful to and for the Sheriff, in whoſe Cuſtody the Debtor is, and he is by this Act required to receive and take of ſuch Debtor, his Priſoner, the ſeveral Commodities aforeſaid, or ſo many of them, being of the Growth of this Province, as the ſaid Debtor, his Priſoner, ſhall offer to him, to the full Value of the Debt and Coſts, and ſhall forthwith ſet at large, and diſcharge the ſaid Debtor from his Impriſonment; and ſuch Creditor or Creditors ſhall have no other Action againſt ſuch Sheriff, but for the Commodities ſo, as aforeſaid, received, paying to the Sheriff his Fees for taking the ſaid Commodities: Provided, That this Act, nor any thing therein contained, ſhall not be adjudged to extend to Merchants Adventurers who trade from *Great Britain* hither, nor to the Payment of any Proteſted Bill or Bills of Exchange, that have been, or ſhall be drawn, by any Perſon or Perſons whatſoever, upon any Perſon or Perſons in *Great Britain*, or elſewhere, out of this Province, to whom the ſame be payable; but in all ſuch Caſes they ſhall be as they were before the making of this Act; any thing in this Act to the contrary thereof in any wiſe notwithſtanding. This Law to endure for Three Years, and to the End of the next Seſſion of Aſſembly after the Three Years.

Paſs'd June 3*d*, 1715.

An

N° 75. *An Act, to declare how the Forty Pounds of Tobacco* per *Poll, in ſuch Pariſhes, where there is no Incumbent, ſhall be diſpoſed of.*

WHEREAS by an Act of Aſſembly, made at a General Aſſembly, begun and held at the Port of *Annapolis* the Sixteenth Day of *March*, One thouſand ſeven hundred and one, Intituled, *An Act for the Eſtabliſhment of Religious Worſhip in this Province, according to the Church of* England, *and for the Maintenance of Miniſters;* there is no Proviſion made, where there is a Vacancy, or no Incumbent in a Pariſh, how, or to what Uſe, the Forty Pounds of Tobacco *per* Poll ſhall be applied: Therefore the Burgeſſes and Delegates of this preſent General Aſſembly, pray that it may be Enacted; And be it Enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of His Majeſty's Governor, Council, and Aſſembly, of this Province, and the Authority of the ſame, That what Tobacco of the ſaid Forty *per* Poll hath, is, or ſhall, become due in any Pariſh, where there is, hath, or ſhall be no Incumbent, the ſaid Tobacco ſhall be imployed and applied to and for the Uſes following; (That is to ſay) by the Veſtry-men of each reſpective Pariſh, who are hereby impowered to diſpoſe thereof, for and towards the Repairing ſuch Churches as are already built, finiſhing and compleating the Inſides thereof, as the ſaid Veſtry-men ſhall think fit, or for the purchaſing a Pulpit-Cloth, Cuſhion, Bible, or Common Prayer-Book, or Church-Plate, for the Uſe of the ſaid Church: And if any Veſtry hath already applied or laid out the ſaid Tobacco, or any Part thereof, to the Uſes aforeſaid, ſuch Application or Diſpoſal is hereby confirmed.

AND be it further Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That in any Pariſh, where the Church is old, or out of Repair, as not fit to be made uſe of, and ſhall be ſo adjudged by the Veſtrymen of ſuch Pariſh; it ſhall and may be lawful to and for ſuch Veſtry-men, to apply the ſaid Forty Pounds of Tobacco *per* Poll for the Building a new one. And if it hath or ſhall ſo happen, by reaſon of a long Vacancy in ſuch Pariſh, that there ſhall be no Occaſion to apply the ſaid Tobacco to the Uſes aforeſaid, or if any ſuch Tobacco, after ſuch Application, hath or ſhall remain in the Hands of the Veſtry, the ſaid Veſtry are hereby directed and impowered to purchaſe therewith, either a Plantation, with a Tract of Land, or a certain Tract of Land, as near and contiguous to the Church, belonging to ſuch Pariſh, as may be: And if there be no Church in ſuch Pariſh, then to purchaſe a Tract of Land, as may be moſt convenient for the Inhabitants thereof, and build a Church thereon; which Plantation and Land ſhall be, and for ever remain, a Glebe to the Uſe of the Miniſters of ſuch Pariſh for the time being, who ſhall be lawfully inducted and appointed, according to the Uſage of the Church of *England*, and this Province: And if there ſhall happen in any Pariſh to be Tobacco over and above anſwering the Uſes aforeſaid, it ſhall be imploy'd to the Improvement and Stocking ſuch Glebe, as the Veſtry ſhall judge moſt proper.

AND foraſmuch as by the ſaid recited Act there is nothing allowed to the Sheriff for Collecting the ſaid Forty Pounds of Tobacco *per* Poll, and Paying the ſame to the Incumbents, or Veſtry; Be it Enacted by the Authority aforeſaid, That the Sheriff of each reſpective County ſhall have allowed him or them, out of the ſaid Forty Pounds of Tobacco *per* Poll, which they ſhall pay to ſuch Veſtry, or Incumbent, Five Pounds of Tobacco *per Cent.* for collecting and paying the ſame, and no more; any Law, Statute, or Uſage, to the contrary notwithſtanding.

Paſſ'd June 3*d*, 1715.

An

An Act againſt Imbezelment of Wills or Records within this Province. N° 76.

FORASMUCH as there is not any ſufficient Remedy provided againſt ſuch as ſhall imbezel, alter, or raſe any Records of Deeds, or Conveying of Land, within this Province, or any Will, or Records of Wills, or other Deeds or Inſtruments, that ſhall any ways touch or concern the Eſtate of Inheritance, or Freehold, of any Perſon whatſoever; and for that it is found Neceſſary to make ſome Proviſion againſt ſuch evil Practices; Be it therefore Enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of His Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That in caſe any Perſon whatſoever, ſhall at any time hereafter be legally convicted, by Confeſſion, or otherwiſe, of wilfully or corruptly imbezelling, impairing, raſing, or altering any Will or Record within this Province, whereby the Eſtate of Inheritance, or Freehold, of any Perſon whatſoever ſhall be defeated, injured, or any ways altered, ſuch Perſon ſo convict, ſhall forfeit all his Goods and Chattels, Lands and Tenements; the one Half to our Sovereign Lord the King, His Heirs and Succeſſors, for the Support of Government, the other Half to the Party grieved; and ſhall alſo be ſet in the Pillory for the Space of Two Hours, and have both Ears nailed thereto, and cut from off his Head.

Paſs'd June 3*d*, 1715.

An Act relating to Servants and Slaves. N° 77.

WHEREAS there have been ſeveral Acts provided againſt Servants, Runaways, which have hitherto proved ineffectual, in Regard they do not ſufficiently provide Encouragement for ſuch Perſon or Perſons, Inhabitants of this Province, as ſhould ſeize ſuch Runaways, or Servants, by this Act deemed Runaways; therefore, for the better Diſcovery, Seizing, and Apprehending ſuch Runaways, Be it Enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of His Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That from and after the Publication hereof, no Servant or Servants whatſoever, within this Province, whether by Indenture, or according to the Cuſtom of the Country, or hired for Wages, ſhall travel by Land or Water Ten Miles from the Houſe of his, her, or their Maſter, Miſtreſs, or Dame, without a Note under their Hands, or under the Hand of his, her, or their Overſeer, if any be, under the Penalty of being taken up for a Runaway, and ſuffer ſuch Penalties as are hereafter provided againſt Runaways.

AND it is hereby further Enacted by the Authority, Advice, and Conſent aforeſaid, That any Servant or Servants, unlawfully abſenting him, her, or themſelves, from his, her, or their Maſter, Miſtreſs, Dame, or Overſeer, ſhall make ſuch Satisfaction by Servitude, or otherwiſe, at the Diſcretion of the Juſtices of the County-Court where ſuch runaway Servant did dwell; not exceeding Ten Days Service for One Day's Abſence; with ſuch reaſonable Coſts

for his, her, or their taking up, as the Court ſhall think fit, be it before or after the Expiration of ſuch Servant's firſt Time of Servitude, by Indenture, or otherwiſe.

AND be it further Enacted by the Authority, Advice, and Conſent aforeſaid, That any Perſon or Perſons whatſoever, that ſhall wittingly or willingly entertain any ſuch Servant, or Slave, unlawfully abſenting him, her, or themſelves, as aforeſaid, ſhall be fined Five hundred Pounds of Tobacco for every Night, or Twenty four Hours, that ſuch Perſon or Perſons ſhall give ſuch Entertainment, as aforeſaid; the one Half to His Majeſty, His Heirs and Succeſſors, for the Support of Government, the other Half to the Informer, or him or them that ſhall ſue for the ſame; to be recovered in any County-Court within this Province, by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoign, Protection, or Wager of Law to be allowed.

AND be it further Enacted, That if any Free Negro, or Mulatto, ſhall harbour or entertain any ſuch Servant, or Slave, as aforeſaid; in every ſuch Caſe, he or they ſo offending, ſhall forfeit and pay, as aforeſaid, for every ſuch Offence, the Sum of One thouſand Pounds of Tobacco; the one Half to our Sovereign Lord the King, His Heirs and Succeſſors, for the Uſe of the Free-Schools, the other Part to the Party grieved, to be recovered, as aforeſaid: And if any ſuch Offender, Negro or Mulatto, hath not an Eſtate ſufficient, wherewith immediately to ſatisfie and pay ſuch Penalty, as aforeſaid; it ſhall and may be lawful for the Juſtices before whom ſuch Matter is tried, to order Satisfaction, by Servitude, or otherwiſe, as they ſhall ſeem meet.

AND for the better Diſcovery of Runaways; It is hereby further Enacted by the Authority, Advice, and Conſent aforeſaid, That any Perſon or Perſons whatſoever, within this Province, travelling out of the County where he, ſhe, or they ſhall reſide or live, without a Paſs, under the Seal of the ſaid County, for which they are to pay Ten Pounds of Tobacco, or One Shilling in Money; ſuch Perſon or Perſons apprehended, not being ſufficiently known, or able to give a good Account of themſelves, ſhall be left to the Diſcretion and Judgment of ſuch Magiſtrate or Magiſtrates, before whom ſuch Perſon or Perſons, as aforeſaid, ſhall be brought, to Judge thereof; and if before ſuch Magiſtrate, ſuch Perſon or Perſons ſo taken up, ſhall be deemed and taken as a Runaway or Runaways, he, ſhe, or they, ſhall ſuffer ſuch Fines and Penalties, as are hereby provided againſt Runaways.

AND for the better Encouragement of all Perſons to ſeize and take up ſuch Runaways; It is hereby further Enacted by the Authority, Advice, and Conſent aforeſaid, That all and every ſuch Perſon or Perſons, as aforeſaid, ſeizing or taking up ſuch Runaways, travelling without Paſſes, as aforeſaid, not being able to give a ſufficient Account of themſelves, as aforeſaid, ſhall have and receive Two hundred Pounds of Tobacco, to be paid by the Owner of ſuch runaway Servant, Negro, or Slave, ſo apprehended and taken up; and if ſuch ſuſpected Runaway or Runaways be not Servants, and refuſe to pay the ſame, he, ſhe, or they, ſhall make Satisfaction, by Servitude, or otherwiſe, as the Juſtices of the Provincial and County-Courts, where ſuch Perſons ſhall be ſo apprehended and taken up, ſhall think fit. And for the better Diſcovery of, and Encouragement of our Neighbour *Indians*, to ſeize, apprehend, or take up any runaway Servants, or Slaves, and bring them before a Magiſtrate, they ſhall, for a Reward, have a Match-coat paid him or them, or the Value thereof; which ſaid Reward ſhall be paid and ſatisfied by the County where ſuch Perſon ſhall be ſo apprehended; and ſuch Runaway, if not a Slave, to reimburſe the ſaid County, by Servitude, or otherwiſe, as the Juſtices of the Provincial or County-Courts ſhall think fit.

AND be it further Enacted by the Authority, Advice, and Conſent aforeſaid, That at what Time ſoever any of the ſaid Perſons, Runaways, ſhall be ſeized by any Perſon or Perſons within this Province, ſuch Perſon or Perſons,

ſo

ſo apprehending or ſeizing the ſame, ſhall bring, or cauſe him, her, or them, to be brought, before the next Magiſtrate, or Juſtice of the County, where ſuch Runaway is apprehended, who is hereby impowered to take into Cuſtody, or otherwiſe, him, her, or them, to ſecure and diſpoſe of, as he ſhall think fit, until ſuch Perſon or Perſons, ſo ſeized and apprehended, ſhall give good and ſufficient Security, to anſwer the Premiſſes the next Court that ſhall firſt inſue in the ſaid County; which Court ſhall ſecure ſuch Perſon or Perſons, till he or they can make Satisfaction to the Party that ſhall ſo apprehend or ſeize ſuch Runaways, or other Perſons, as by this Act is required, except ſuch Perſons as ſhall make Satisfaction, as aforeſaid, before ſuch Court ſhall happen: And that Notice may be conveniently given to the Maſter, Miſtreſs, Dame, or Overſeer of Runaways taken up, as aforeſaid; the Commiſſioners of the Counties ſhall forthwith cauſe a Note of the Runaway's Name, ſo ſeized and apprehended, as aforeſaid, to be ſet up at the next adjacent County-Courts, and at the Provincial-Court, and Secretary's Office, that all Perſons may view the ſame, and ſee where ſuch their Servants are, and in whoſe Cuſtody.

And furthermore, for aſcertaining what each Servant, according to the Cuſtom of the Country, ſhall have, at the Expiration of their Servitude; Be it Enacted by the Authority, Advice, and Conſent aforeſaid, That every Man-Servant ſhall, at ſuch time of Expiration of his Servitude, as aforeſaid, have allowed and given him, One new Hat, a good Suit, that is to ſay, Coat and Breeches, either of Kerſey or Broad-Cloth; One new Shift of white Linen; One new Pair of french-fall Shoes and Stockings; Two Hoes, and One Ax; and One Gun of Twenty Shillings price, not above Four Foot by the Barrel, nor leſs than Three and a Half; which ſaid Gun ſhall, by the Maſter or Miſtreſs, in the Preſence of ſuch next Juſtice of the Peace, be delivered to ſuch Freeman, under the Penalty of Five hundred Pounds of Tobacco on ſuch Maſter or Miſtreſs, omitting ſo to do, and the like Penalty on the ſaid Freeman ſelling or diſpoſing thereof, within the Space of Twelve Months; the one Half thereof to our Sovereign Lord the King, His Heirs and Succeſſors, the other to the Informer: All Women-Servants, at the Expiration of their Servitude, as aforeſaid, ſhall have allowed and given, a Waſtecoat and Petticoat, of new Half-thick, or Penniſtone; a new Shift of White Linen; Shoes and Stockings; a Blue Apron; Two Caps of White Linen; and Three Barrels of *Indian* Corn.

And be it further Enacted by the Authority, Advice, and Conſent aforeſaid, That no Perſon whatſoever, ſhall trade, barter, commerce, or any Ways deal with any Servant, whether hired, or indented, or Slave, belonging or appertaining to any Inhabitant within this Province, without Leave or Licence firſt had and obtained from ſuch Servant's Maſter, Miſtreſs, Dame, or Overſeer, for his ſo doing, under the Penalty of Two thouſand Pounds of Tobacco; one Half thereof to His Majeſty, His Heirs and Succeſſors, for the Support of Government, the other Half to the Maſter, Miſtreſs, or true Owner of ſuch Goods, ſo purloyned, bartered, or conveyed away, when proved by ſufficient Witneſſes, or Confeſſion of the Party; to be recovered in any Court of Record within this Province, by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoign, Protection, or Wager of Law, to be allowed.

And be it further Enacted by the Authority, Advice, and Conſent aforeſaid, That if the Goods, ſo traded or bartered for, as aforeſaid, ſhall exceed the Sum of One thouſand Pounds of Tobacco, then the Party or Parties, whoſe Goods ſhall be imbezelled or bartered away, as aforeſaid, ſhall have his Action at Law for the Damage ſuſtained againſt the Perſon or Perſons ſo offending, dealing, or bartering for the ſame; any thing in this Act to the contrary notwithſtanding. And in caſe ſuch Perſon or Perſons, ſo offending, ſhall not be able to ſatisfie the ſame, then ſuch Perſon or Perſons ſhall be bound over by ſome one Juſtice of the Peace, and put in Security, either to appear at the next Provincial

Provincial or County-Court, where, upon Conviction, by Confeſſion, or ſufficient Witneſs, the Offender ſhall be puniſhed, by whipping on the bare Back with Thirty Stripes.

And for the Aſcertaining and Limiting Servants Time of Servitude; Be it Enacted by the Authority, Advice, and Conſent aforeſaid, That whoſoever ſhall tranſport any Servant into this Province without Indenture, ſuch Servant, being above the Age of Twenty two Years, ſhall be obliged to ſerve the full Time of Five Years; if between Eighteen and Twenty two, without Indentures, Six Years; if between Fifteen and Eighteen, and without Indentures, Seven Years; if under Fifteen, without Indentures, ſhall ſerve till he or they arrive at the full Age of Twenty two Years.

And be it further Enacted by the Authority, Advice, and Conſent aforeſaid, That all Servants, tranſported out of *Virginia* into this Province, ſhall compleat their Time of Servitude here, which they ought to have ſerved in *Virginia*, and no more.

And be it further Enacted by the Authority, Advice, and Conſent aforeſaid, That every Maſter, Miſtreſs, Dame, Aſſignee, or Truſtee whatſoever, owning or keeping any ſuch Servants, as aforeſaid, whether by Virtue of Tranſportation, Purchaſe, or otherwiſe, ſhall, within Six Months after the receiving ſuch Servants into their Cuſtody within this Province, except he, ſhe, or they, claim but Five Years Service of ſuch Servants, bring the ſaid Servants into the reſpective County-Courts where they do inhabit, and every of the ſaid Courts are hereby authorized to judge and determine of the Age of ſuch Servant ſo brought, and cauſe the ſame to be entred upon Record; and every Owner, as aforeſaid, neglecting or refuſing to bring ſuch Servant or Servants before the Court, as aforeſaid, ſhall not only ſtand to the Determination of the Court, but alſo forfeit the Sum of One thouſand Pounds of Tobacco to the King, His Heirs and Succeſſors, for the Support of Government: And if any Maſter or Servant aforeſaid, be grieved with the Determination of the Court, he ſhall, within the Time determined for their Service, produce an authentick Certificate of ſuch Servant's Age, and ſhall have Remedy to the Ages aforementioned.

And foraſmuch as Diſputes have aroſe formerly, at what Time Servant's Time of Servitude, whether by Indenture, or otherwiſe, ſhould commence; Be it Enacted by the Authority, Advice, and Conſent aforeſaid, That all Servants tranſported into this Province, whether by Indenture, or otherwiſe, and ſo bound or adjudged, as aforeſaid, ſhall commence their Time of Servitude from the firſt Anchoring of the Veſſel within this Province: Provided, That the ſaid Veſſel tarry not above Fourteen Days after her Entry within the Capes, and her firſt Anchoring within this Province; and all the Days ſuch Ship or Veſſel ſhall tarry in *Virginia* above Fourteen Days, ſhall be adjudged part of the Service of ſuch Servant which ſhall be afterwards brought into *Maryland*, and there ſold; any Law, Uſage, or Cuſtom, to the contrary notwithſtanding.

And be it alſo Enacted by the Authority, Advice, and Conſent aforeſaid, That every Indenture, made by any Servant, during the Time of his Service, by former Indenture, or Judgment of the County-Court, according to the Tenor of this Act, ſhall be void, and not any ways oblige any Servant for longer Time than by his firſt Indenture, or Judgment of the Court, ſhall be limited and appointed.

And be it further Enacted by the Authority, Advice, and Conſent aforeſaid, That for all ſuch runaway Servants or Slaves, that ſhall be apprehended and taken up in the Province of *Penſylvania*, and thence brought into this Province, and delivered to a Magiſtrate of the County into which they ſhall be brought; the Perſon for ſo doing, ſhall have paid him, and allowed him, by the Maſter or Owner of ſuch Runaway, Four hundred Pounds of Tobacco, and Cask, or Forty Shillings in Money, upon his producing a Certificate from the

the Juſtice or Sheriff of the Delivery of ſuch Runaway; except Servants or Runaways brought from *Accomack* into *Somerſet* County, for ſuch, only Two hundred Pounds of Tobacco, or Twenty Shillings; and the like from that Side of *Virginia* next the River *Potomack*; for which ſaid Sum or Sums paid, ſuch Runaway ſhall make Satisfaction, when Free, by Service, or otherwiſe, beſides what ſhall be adjudged, as a Recompence for the Abſence of ſuch runaway Servant, as aforeſaid, as the Court ſhall adjudge; but if any ſuch Perſon, ſo apprehended, brought, and delivered, as aforeſaid, be a Freeman, and refuſe to pay ſuch Sum or Sums of Tobacco, or Money, then, and in ſuch Caſe, the Magiſtrate, before whom he or ſhe ſhall be brought, ſhall forthwith commit the ſaid Perſon, ſo refuſing, to Priſon, till he or ſhe give ſufficient Security, or make full Satisfaction, by Servitude, or otherwiſe.

And be it further Enacted by the Authority aforeſaid, That if any Maſter or Miſtreſs of any Servant whatſoever, or Overſeer, by Order or Conſent of any ſuch Maſter or Miſtreſs, ſhall deny, and not provide ſufficient Meat, Drink, Lodging, and Clothing, or ſhall unreaſonably burthen them, beyond their Strength, with Labour, or debar them of their neceſſary Reſt and Sleep, or exceſſively beat and abuſe them, or ſhall give them above Ten Laſhes for any one Offence, the ſame being ſufficiently proved before the Juſtices of the County-Courts; the ſaid Juſtices have hereby full Power and Authority, for the Firſt and Second Offence, to levy ſuch Fine upon ſuch Offender, as to them ſhall ſeem meet, not exceeding One thouſand Pounds of Tobacco, to the Uſe of His Majeſty, His Heirs and Succeſſors, for the Support of Government; and for the Third Offence, to ſet ſuch Servant, ſo wronged, at Liberty, and free from Servitude: But in caſe the Maſter or Owner of any ſuch Servant ſhall think that he or they deſerve greater Correction, then the ſaid Maſter or Owner of ſuch Servant or Servants, ſhall, or may, carry them before any Juſtice of the Peace, who hearing the Complaint, ſhall order ſuch Correction, as he ſhall ſee fit, not exceeding Thirty nine Laſhes for any one Offence.

And be it alſo Enacted by the Authority aforeſaid, That all Negroes, and other Slaves, already imported, or hereafter to be imported, in this Province, and all Children, now born, or hereafter to be born, of ſuch Negroes and Slaves, ſhall be Slaves during their Lives.

And foraſmuch as many People have neglected to baptize their Negroes, or ſuffer them to be baptized, on a vain Apprehenſion, that Negroes, by receiving the Sacrament of Baptiſm, are manumitted, and ſet free: Be it hereby further Declared and Enacted by and with the Authority, Advice, and Conſent aforeſaid, That no Negro or Negroes, by receiving the Holy Sacrament of Baptiſm, is thereby manumitted, or ſet free, nor hath any Right or Title to Freedom, or Manumiſſion, more than he or they had before; any Law, Uſage, or Cuſtom, to the contrary notwithſtanding.

And be it further Enacted, That all Miniſters, Paſtors, and Magiſtrates, or other Perſons whatſoever, who, according to the Laws of this Province, do uſually joyn People in Marriage, ſhall not, upon any Pretence, joyn in Marriage any Negro whatſoever, or Mulatto Slave, with any White Perſon, on the Penalty of Five thouſand Pounds of Tobacco; the one Half to His Majeſty, His Heirs and Succeſſors, for the Uſe of the Free-Schools, the other Half to the Informer, or him or them that ſhall ſue for the ſame; to be recovered in any Court of Record of this Province, by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoign, Protection, or Wager of Law, to be allowed.

And be it further Enacted by the Authority aforeſaid, That any White Woman, whether Free, or a Servant, that ſhall ſuffer her ſelf to be begot with Child by a Negro, or other Slave, or Free Negro, ſo begot with Child, as aforeſaid, if Free, ſhall become a Servant for and during the Term of Seven Years; if a Servant, ſhall finiſh her Time of Servitude, together with the Damage that

ſhall accrue to ſuch Perſon, to whom ſhe is a Servant, by Occaſion of any Child or Children, begotten, as aforeſaid, in the Time of her Servitude, as aforeſaid; and after ſuch Satisfaction made, ſhall again become a Servant for and during the Term of Seven Years aforeſaid: And if ſuch Begetter of ſuch Child, as aforeſaid, be a Free Negro, he ſhall become a Servant for and during the Term of Seven Years, as aforeſaid, to be adjudged by the Juſtices of the County-Court where ſuch Fact is committed, according to this Law, in the Clauſe made and provided againſt ſuch Servants as have Baſtards; and the Iſſues or Children of ſuch unnatural and inordinate Copulations, ſhall be Servants until they arrive at the Age of One and thirty Years: And any White Man, that ſhall beget any Negro Woman with Child, whether Free Woman or Servant, ſhall undergo the ſame Penalties as White Women; all which Times of Servitude, by this Act impoſed upon the Perſons having ſo offended, to be diſpoſed of, or imploy'd, as the Juſtices of ſuch County ſhall think fit; the Produce whereof ſhall be appropriated towards Defraying the County Charges.

And be it further Enacted by the Authority aforeſaid, That any Servant-Woman, having a Baſtard-Child, and not able ſufficiently to prove the Party, charged to be the Begetter of ſuch Child, in every ſuch Caſe, the Mother of ſuch Child ſhall be liable to ſatisfie the Damage ſo ſuſtained, by Servitude, or otherwiſe, as the Court, before whom ſuch Matter is brought, ſhall ſee convenient: Provided, That where the Mother of any ſuch Child, as aforeſaid, do prove her Charge, by ſufficient Teſtimony of Witneſs, Confeſſion of the Party charged, or pregnant Circumſtances, agreeing with her Declaration in the Extremity of her Pains or Throws of Travail, and her Oath taken by ſome Magiſtrate, before the Time of her Delivery of every ſuch Baſtard-Child, or after her Delivery; then the Party charged, if a Servant, ſhall ſatisfie half the ſaid Damage; if a Freeman, ſhall ſatisfie the whole Damage, by Servitude, or otherwiſe, as the Court, before whom ſuch Matter is brought, as aforeſaid, ſhall think fit; but if the ſaid Freeman cannot be brought to Juſtice, then, and in every ſuch Caſe, ſhe ſhall make the ſame Satisfaction, as if ſhe could not prove the Begetter, as aforeſaid: And if any ſuch Mother, as aforeſaid, be able to prove, by ſuch Teſtimony, or Confeſſion of the Party charged, that he, being a ſingle Perſon, and a Freeman, did, before the Begetting of ſuch Child, promiſe her Marriage, that then he ſhall be at his Choice, either to perform his Promiſe to her, or recompence her Abuſe, according as the Court, before whom ſuch Matter is brought, ſhall adjudge.

And be it further Enacted by the Authority, Advice, and Conſent aforeſaid, That after the End of this Seſſion of Aſſembly, it ſhall and may be lawful for the Provincial and County-Courts of this Province, to hear and determine any Complaints between Maſters and Servants, by Way of Petition, to give Judgment, and award Execution upon the ſame, and that upon Appeal, or Writ of Error, brought upon the ſame from any County-Court of this Province, to the Provincial-Court, or from the Provincial-Court, to the Governor and Council; and no ſuch Judgment ſhall be reverſed for want of judicial Proceſs, or that the ſame was not tried by a Jury, or any Matter of Form, either in the Entry, or giving Judgment: Provided it appears by the Record, that the Defendant was legally Summoned, and not condemned unheard.

And be it further Enacted by the Authority aforeſaid, That if any Matter of Diſpute ariſes, concerning Servants imported into this Province, or any Servant that binds himſelf for Years within this Province, or any bound out by the County-Courts of this Province, in Relation to their Indentures, Contracts, or Wages, any other Matter of Difference, between the ſaid Maſter and Servant, the ſame ſhall be tried, heard, and determined, by Petition, as aforeſaid; any Law, Statute, Uſage, or Cuſtom, to the contrary notwithſtanding.

And be it Enacted by the Authority, Advice, and Conſent aforeſaid, That no Negro, or other Slave, within this Province, ſhall be permitted to carry any Gun, or any other offenſive Weapon, from off their Maſter's Land, without Licence from their ſaid Maſter; and if any Negro, or other Slave, ſhall preſume ſo to do, he ſhall be liable to be carried before a Juſtice of Peace, and be whipped, and his Gun, or other offenſive Weapon, ſhall be forfeit to him that ſhall ſeize the ſame, and carry ſuch Negro, ſo offending, before ſuch Juſtice of Peace.

And be it Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That from and after the End of this Seſſion of Aſſembly, any Servant or Servants whatſoever, within this Province, that ſhall felonioufly take or purloyn his or their Maſter, Miſtreſs, or Dame's Goods or Chattels, under the Value of One thouſand Pounds of Tobacco, ſhall be adjudged a Felon, and being thereof lawfully convict in any County-Court of this Province, ſhall be adjudged to pay Four times the Value of ſuch Goods, ſo purloyned, to his, her, or their Maſter, Miſtreſs, or Dame, which he, ſhe, or they ſhall make good by Servitude, after the Expiration of their firſt Time of Service; and ſhall alſo ſuffer ſuch Pains of Whipping, or Pillorying, as the Juſtices, before whom ſuch Matter is brought, ſhall adjudge.

And be it further Enacted by the Authority, Advice, and Conſent aforeſaid, That when any Perſon or Perſons, except Negroes and Mulattoes, ſhall be found Travelling without Paſſes, as aforeſaid, and ſhall be taken up as ſuſpected Runaways, and by any Juſtice of Peace committed to the Cuſtody of any Sheriff or Goaler within this Province, it ſhall not be lawful for any ſuch Sheriff or Goaler to hold ſuch Perſon in Cuſtody longer than Six Months; and if ſuch Perſon can, at any time within the ſaid Six Months, procure a Certificate, or other Juſtification, that he or ſhe is no Servant, he or ſhe ſhall and may, by Order of any Two Juſtices of the County where ſuch Perſon is committed to Priſon, be diſcharged from any further Impriſonment; he, ſhe, or they, ſerving ſuch Sheriff or Goaler, or his Aſſigns, ſo many Days as he, ſhe, or they, were in Cuſtody of ſuch Sheriff or Goaler, or otherwiſe paying Ten Pounds of Tobacco *per* Day to ſuch Sheriff or Goaler for their Impriſonment-Fees, and no more; and paying to ſuch Perſon or Perſons, who took up ſuch Perſon, Two hundred Pounds of Tobacco, or ſerving him, her, or them, Twenty Days in lieu thereof; and if any ſuch Sheriff or Goaler ſhall detain ſuch Perſon or Perſons in Priſon, after ſuch Order of Two Juſtices, as aforeſaid, or the Expiration of Six Months, and Payment of Ten Pounds of Tobacco *per* Day, as aforeſaid, ſuch Sheriff or Goaler ſhall be liable to an Action of Falſe Impriſonment; any Law, Statute, or Uſage, to the contrary notwithſtanding.

Paſs'd June 3*d*, 1715.

№ 78. *An Act for Securing Perſons Rights to Town-Lands.*

WHEREAS it is repreſented to this General Aſſembly, that ſeveral Perſons of this Province, and others, that have taken up Lots in ſeveral Town-Lands, laid out and ſurveyed for Towns, according to the Directions of ſeveral Laws of this Province heretofore made; (That is to ſay) One Law made at a General Aſſembly, held at the *Ridge*, in *Ann Arundel* County, the Second Day of *October*, One thouſand ſix hundred eighty three, Intituled, *An Act for Advancement of Trade;* and One other Act, made at a General Aſſembly, held at the City of St. *Mary*'s the Firſt Day of *April*, One thouſand ſix hundred eighty four, Intituled, *An Additional and Supplementary Act, to the Act for Advancement of Trade;* and the other Act, made at a General Aſſembly, held at the City of St. *Mary*'s the Twenty ſeventh Day of *October*, One thouſand ſix hundred eighty ſix, Intituled, *A further Additional Act, to the Act for Advancement of Trade, and the Supplementary Acts of the ſame;* and One other Act, made at a Seſſion of Aſſembly begun and held at the City of St. *Mary*'s the Twenty firſt Day of *September*, *Anno Domini* One thouſand ſix hundred ninety four, Intituled, *An Act for Erecting* Ann Arundel *and* Oxford *Towns into Ports and Towns;* as by the ſeveral Acts of Aſſembly, remaining upon Record in the Secretary's Office of this Province, may appear: And notwithſtanding the ſeveral Perſons, who relying and depending upon the Benefits and Privileges in the ſaid Laws granted, have taken up Lots in the ſaid Towns, entred and paid for them, or were ready to pay for them, as the Law directed, and have built and improved thereon, yet they are now threatned, diſquieted, and diſturbed by the Perſons claiming Right to the ſaid Lands, upon Pretence, that becauſe the ſaid Acts are ſince repealed, the Titles of ſuch Takers up, Builders, and Improvers, are deſtroy'd, and die with the ſaid Acts of Trade, contrary to the true Senſe and rational Conſtruction of the ſame Laws, or any other of like Nature; to prevent therefore and take off all ſuch unneceſſary Doubts and Scruples thereof, Be it Enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of His Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That all and every Perſon or Perſons, that, during the Continuance of the before-mentioned Acts of Aſſembly, did take up, pay for, or tendred, or were ready to pay for any Lot or Lots of Land in any Town-Land, laid out and allotted for Town-Lands by the former Laws, or any of them, and of the ſame Lot made due Entry, and hath built and improved upon the ſame, and followed the Directions of the abovementioned Laws; they the ſaid Perſon and Perſons, ſo taking up, entring, building upon, and following the Directions of the ſaid Laws, their Heirs and Aſſigns, ſhall have, hold, and enjoy, a good, ſure, and indefeaſible Eſtate of Inheritance in Fee Simple, of, in, and to every ſuch Lot and Lots of Land, ſo taken up and built on, as aforeſaid, according to the ſaid Laws and Directions, to them and their Heirs for ever, as fully, freely, and amply, to all Intents and Purpoſes, as if the ſaid former Laws were ſtill in Force, and had never been Repealed: Provided always, That where any Perſon or Perſons, that hath or have ſo taken up, built, and improved, and hath not paid the Price ſet upon the ſame, that every Perſon is hereby injoyned to pay the ſaid Value of the ſaid Lot to the Owner and Claimer of the Land, upon Demand, without Fraud or Covin.

AND whereas it is repreſented to this preſent General Aſſembly, that ſeveral of the Inhabitants of this Province, and others, that have taken up ſeveral Lots in ſeveral Town-Lands, laid out and ſurveyed for Towns, according to the Directions of ſeveral Laws of this Province lately made; That is to ſay, One Act of Aſſembly

bly, made at a General Aſſembly, begun and held at the Port of *Annapolis*, the Second Day of *April*, in the Year of our Lord One thouſand ſeven hundred and ſix, Intituled, *An Act for Advancement of Trade, and Erecting Ports and Towns within this Province of* Maryland; One other Act, made at a General Aſſembly, begun and held at the Port of *Annapolis*, the Fifteenth Day of *April*, One thouſand ſeven hundred and ſeven, Intituled, *A Supplementary Act to the Act for Advancement of Trade, and Erecting Ports and Towns;* and One other Act, made at a General Aſſembly of this Province, held at the Port of *Annapolis*, the Twenty ninth Day of *November*, *Anno Domini* One thouſand ſeven hundred and eight, Intituled, *An Additional Act to the Supplementary Act for the Advancement of Trade, and Erecting Ports and Towns within this Province, and for Sale of ſome Publick Lands and Buildings in the Town of St.* Mary's, *in St.* Mary's *County*; as by the ſeveral Acts of Aſſembly aforeſaid, remaining upon Record in the Secretary's Office, may appear, relying and depending on the Benefits and Privileges in the ſaid Laws granted, did enter and build upon ſuch Lots, according to the Directions of the ſaid Laws; Be it therefore Enacted by the Authority, Advice, and Conſent aforeſaid, That all and every Perſon and Perſons, that, during the Continuance of the beforementioned Laws, did take up a Lot or Lots, and thereupon build, according to the Dimenſions preſcribed by the ſaid Laws, or any of them, in any Town-Land, laid out and allotted for a Town by the former Laws, or any of them, their Heirs or Aſſigns, ſhall have, hold, and enjoy, a good, ſure, and indefeaſible Eſtate of Inheritance, in Fee Simple, of, in, and to ſuch Lot and Lots, ſo taken up and built upon, as aforeſaid: Provided, That where the Owner of any Tract of Land, laid out for a Town by any of the aforeſaid Acts, is unpaid for any Lot taken up and built upon, according to the Directions of the ſaid Laws, ſuch Owner may, after Requeſt made, have an Action of Debt for the Value of ſuch Lot, according to the Value of the Commiſſioners or Jurors impowered to value the ſame, by ſuch former Law, againſt any Taker up or Owner of any ſuch Lot or Lots, that hath not paid for the ſame, his Heirs, Executors, or Adminiſtrators, in any of His Majeſty's Courts of Record within this Province, that can hold Plea of the ſame. Provided further, That this Act, nor any thing therein contained, ſhall extend, or be conſtrued to extend to prejudice the Benefit of *Richard Bennett*, Eſq; to ſuch Part of Land, laid out for a Town, in *Worton Creek* in *Kent* County, whereon Houſes, Orchards, and Improvements were, at the time of laying out that Town.

And be it further Enacted by the Authority, Advice, and Conſent aforeſaid, That where any Perſon or Perſons whatſoever, have taken up any Lot or Lots, by virtue of the before recited Acts of Aſſembly, ſince the Firſt Day of *Auguſt*, One thouſand ſeven hundred and nine, and paid for the ſame to the Owner, but not built thereon, being diſcouraged by Her late Majeſty's Diſallowance of the ſaid Acts, ſhall and may, by virtue of this Act, have the Money or Tobacco repaid him or them by the Perſon or Perſons that received the ſame, their Executors or Adminiſtrators; and for Non-payment, after Demand made, to recover and ſue for the ſame in any Court that may hold Plea thereof.

And be it further Enacted by the Authority aforeſaid, That all and every Lot and Lots, Parcel or Parcels of Ground, aſſigned for the Uſe of any Community, and paid for, and built upon, according to the Directions of any the aforeſaid Acts, before Her ſaid Majeſty's Diſallowance to the ſaid Acts was notified, ſhall remain to ſuch Community, for whoſe Uſe it was built, Her Majeſty's Diſallowance of the ſaid Acts afterwards notwithſtanding.

And whereas ſundry Perſons have taken up Lots in divers Towns of this Province, and have begun to build, ſo that they have erected Frames, tho' not quite finiſhed their Houſes, according to the Directions of the aforeſaid Town Laws; Be it Enacted by the Authotity aforeſaid, That all ſuch Perſons, who have taken up Lots, and erected Frames in ſuch Towns, ſhall have and enjoy

a good, ſure, and indefeaſable Eſtate of Inheritance, to them and their Heirs, in ſuch Lots ſo improved upon, notwithſtanding they have not comply'd with the exact Preſcriptions and Directions of the aforeſaid Town Laws.

Paſs'd June 3*d*, 1715.

№ 79. *An Act for the better Adminiſtration of Juſtice in the High Court of Chancery, Provincial and County-Courts of this Province; for the more ſpeedy Recovery of Debts; eaſy Obtaining of Executions againſt Perſons abſenting from the Counties where the Judgments were Recovered againſt them; for Preventing Commiſſioners, Sheriffs, Sub-Sheriffs, Clerks, and Deputy-Clerks, to Plead as Attorneys in the reſpective Courts to which they belong; and for Amerciaments in the Provincial and County-Courts.*

BE it Enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of His Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That the Juſtices of the Provincial and County-Courts within this Province, do, with all convenient Speed, after the Publication of this Act, at the Coſt and Charges of the Publick, and their reſpective Counties, purchaſe and procure, or cauſe to be purchaſed and procured, the Statute Books of *England* to this Time, and *Dalton*'s Juſtice of the Peace, or ſuch other uſeful Book of the like Sort, as ſuch Juſtices ſhall think proper, where they are not already procured, for the Uſe of their reſpective Courts.

AND be it further Enacted by the Authority aforeſaid, That the Juſtices of the Provincial, and of each reſpective County-Court, within this Province, by Force and Virtue of this Act, may make ſuch Rules and Orders, from time to time, for the Well-governing and Regulating their ſaid Courts and Officers, as Suitors thereof, as to them in their Diſcretion ſhall ſeem meet, and under ſuch Fines and Forfeitures, as they ſhall think fit, not exceeding One thouſand Pounds of Tobacco in the Provincial-Court, and Five hundred Pounds of Tobacco in the County-Court, for any one Offence; all which Fines ſhall be to His Majeſty, His Heirs and Succeſſors, for the Support of Government.

AND be it further Enacted by the Authority aforeſaid, That any Debt or Debts of Money or Tobacco, due to any Perſon, being above the Sum of Four hundred, and not above the Sum of Ten thouſand Pounds of Tobacco, and being above the Sum of Thirty three Sillings and Four Pence, and not above the Sum of Fifty Pounds *Sterling* in Money, whereof the Plaintiff is Deſirous of a ſpeedy Recovery againſt the Defendant, his Debtor, in the County-Court, he ſhall proceed againſt ſuch Defendant in Manner and Form following; That is to ſay, At the ſame time that the Plaintiff ſues out his Writ againſt the Defendant, he ſhall file with the County-Clerk his Declaration thereon, and the Clerk ſhall make a Copy of the ſaid Declaration, and deliver the ſame to the Sheriff, with the Writ; and if the Sheriff can ſerve the ſaid Writ upon the Defen-

Defendant, and deliver to the Defendant a Copy of the Plaintiff's Declaration, Eight Days before the Return of the ſaid Writ, then the Defendant ſhall be obliged, by Virtue of this Act, to go to Tryal with the Plaintiff, in the ſame Court in which the Writ is returned, and ſhall not have any Imparlance; and the Juſtices of the ſeveral and reſpective County-Courts are impowered by this Act, to give Judgment againſt the Defendant, in caſe of his Refuſal to plead or anſwer, as they might do, in caſe of a legal Tryal had before them, except in ſome very extraordinary Caſes or Accidents, at the Diſcretion of the Juſtices.

And be it further Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That in all Actions, which ſhall, at any time after the End of this Seſſion of Aſſembly, be ſued or proſecuted in the County-Courts of this Province, whereon, upon Tryal, it doth appear to the Court, that the juſt Ballance doth not exceed Four hundred Pounds of Tobacco, or Thirty three Shillings and Four Pence in Money, the Plaintiff ſhall be Nonſuited.

And be it further Enacted by the Authority aforeſaid, That all Actions, which ſhall, at any time after the End of this preſent Seſſion of Aſſembly, be ſued or proſecuted in the Provincial-Court of this Province, and upon Tryal it doth appear to the Court, that the juſt Ballance of the Debt or Thing in Demand is under Fifteen hundred Pounds of Tobacco, or Six Pounds Five Shillings in Money, the Plaintiff ſhall be Nonſuited: Provided nevertheleſs, That nothing in this Act contained, ſhall be conſtrued to give the ſaid Provincial-Court any other Juriſdiction, than what is agreeable to the Act of Aſſembly, for Relieving the Inhabitants of this Province from ſome Agrievances in the Proſecution of Suits at Law; any thing herein contained to the contrary notwithſtanding.

And be it Enacted by the Authority aforeſaid, That His Majeſty's High Court of Chancery, within this Province, ſhall not hear, try, determine, or give Relief, in any Cauſe, Matter, or Thing, wherein the Original Debt or Damages doth not amount to Twelve hundred and one Pounds of Tobacco, or Five Pounds and One Peny in Money.

And be it Enacted by the Authority aforeſaid, That when any Perſon or Perſons, againſt whom any Judgment or Nonſuit ſhall be given in any County-Court of this Province, ſhall fly, abſent, or remove him or themſelves out of the County, and Jurisdiction of that Court, where ſuch Judgment or Judgments ſhall be given; that then, and in every ſuch Caſe, the Plaintiff or Plaintiffs, in every ſuch Judgment or Judgments, for the more eaſy obtaining the Fruit and Effect of ſuch Judgment, whether the ſame be for Coſts of Nonſuit, or otherwiſe, ſhall and may take the Tranſcript of the Record of ſuch Judgment under the Seal of the Court, where ſuch Judgment ſhall be obtained, and lay the ſame before the Juſtices of the County-Court, where the ſaid Defendant or Defendants ſhall happen to be, which Tranſcript ſhall be entred upon the Record of ſuch County-Court; and the Juſtices of ſuch County-Court, ſhall, by Virtue of this Act, award Execution againſt the Perſon or Perſons, againſt whom ſuch Judgment ſhall be rendred, by *Capias ad ſatisfaciendum*, *Fieri Facias*, or Attachment, for the Debt, Damages, and Coſts, in ſuch Judgment or Recovery, mentioned, together with ſuch additional Coſts, as ſhall be expended in ſuch Court, where ſuch Execution ſhall be awarded, without ſuing out any Writ of *Scire Facias*.

And be it further Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That no Perſon, being in the Commiſſion of the Peace, no Sheriff, or Deputy Sheriff, Clerk, or Deputy Clerk, of thoſe Courts, wherein they bear Office, ſhall plead as Attorneys, for or on Behalf of any Perſon or Perſons, on Penalty of forfeiting Three thouſand Pounds of Tobacco for every ſuch Offence, whereof ſuch Offender ſhall be found guilty; one Half thereof to His Majeſty, His Heirs and Succeſſors, for the Support of the Government of this Province, the other Half to the Informer, or him or them that

that will ſue for the ſame; to be recovered in any Court of Record within this Province, by Bill, Plaint, or Information, wherein no Eſſoign, Protection, or Wager of Law to be allowed.

And for the Diſcouragement of Litigious Suits, that frequently ariſe in the Provincial and County-Courts within this Province; Be it Enacted by the Authority, Advice, and Conſent aforeſaid, That all Perſons whatſoever, except Executors and Adminiſtrators, that are caſt in any Cauſe, be they Plaintiff or Defendant, ſhall be amerced, beſides the Damages and Coſts, in the Provincial-Court, Fifty Pounds of Tobacco, to be imploy'd as the Governor and Council ſhall think fit; and in the County-Courts, Thirty Pounds of Tobacco, to be imploy'd and diſpoſed of, toward Defraying the County Charge of each reſpective County.

And for the due Collection thereof, Be it Enacted by the Authority aforeſaid, That the Clerk of the Provincial Court, and the Clerks of the ſeveral County-Courts, keep an exact Account of the Amerciaments, and deliver or ſend the ſame to the ſeveral Sheriffs of the particular Counties, who are hereby required to collect the ſame with the Levy, and are accordingly impowered, for Default of Payment, to make Diſtreſs, and commanded not to return any in Arrears, except in caſe of the Debtor's Inſolvency.

And be it further Enacted, That the Clerks of the ſeveral County-Courts give unto the Chief Juſtice of ſuch County-Court, a Liſt of the Amerciaments, every *November*-Court, that ſhall have ariſen each preceding Year; and that the Clerk of the Provincial-Court lay a Liſt of the Provincial Amerciaments, as they ſhall yearly ariſe, before the Governor and Council of this Province for the time being.

Paſs'd June 3*d*, 1715.

No 80. *An Act, cauſing Grand and Petit Jurors, and Witneſſes, to come to the Provincial and County-Courts, and Aſcertaining their Allowances.*

Be it Enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of His Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That after the Publication hereof, the ſeveral and reſpective Sheriffs of the ſeveral and reſpective Counties of this Province, ſhall cauſe to come before the Juſtices of the Provincial-Court, Two Men, of the beſt and moſt Underſtanding, Freeholders of each reſpective County, to ſerve as Grand Jurors, and Three ſuch-like good and lawful Men of each reſpective County, to ſerve as Petit Jurors at every Provincial-Court; and the ſaid Sheriffs ſhall return Panels accordingly; and Twenty Days Notice ſhall be given by the Sheriff to the Jurors before the Day of their Appearance; and ſuch Sheriff or Sheriffs, as ſhall make Default, ſhall be fined by the Juſtices of the Provincial-Court, One thouſand Pounds of Tobacco, to His Majeſty, His Heirs and Succeſſors, for the Support of the Government of this Province.

And be it further Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That the ſeveral Sheriffs of the ſeveral and reſpective Counties aforeſaid, ſhall cauſe to come before the Juſtices of the ſeveral and reſpective County-Courts, a competent and ſufficient Number of good and lawful

lawful Men of the beſt and moſt Underſtanding, Freeholders of their ſeveral and reſpective Counties, to ſerve as Jurors of the ſeveral and reſpective County-Courts; and the ſeveral Sheriffs ſhall return Panels accordingly, and give Notice to ſuch Freeholders Ten Days before the Day of their Appearance at the ſaid County-Courts; and ſuch Sheriff or Sheriffs, as ſhall make Default, ſhall be fined by the Juſtices of the County-Court Five hundred Pounds of Tobacco, to His Majeſty, His Heirs and Succeſſors, for the Support of the Government of this Province.

And be it further Enacted, That every Perſon or Perſons, Freeholders, returned by the ſeveral Sheriffs, to ſerve as Jurors at the Provincial-Courts, and having ſuch Notice of the Day of his or their Appearance, as aforeſaid, and ſhall not appear at the Day, but make Default, ſhall be fined by the Juſtices of the Provincial-Court, One thouſand Pounds of Tobacco; and every Perſon or Perſons, Freeholders, returned by the ſeveral Sheriffs of the ſeveral County-Courts, to ſerve as Jurors at the ſaid County-Courts, and having ſuch Notice of his, or their Appearance, as aforeſaid, and ſhall not make his, or their Appearance at the Day, but make Default, ſhall be fined by the Juſtices of the County-Courts Five hundred Pounds of Tobacco, to His Majeſty, His Heirs and Succeſſors; both the ſaid Fines to be to His Majeſty, His Heirs and Succeſſors, for the Support of the Government of this Province: Provided nevertheleſs, That all Magiſtrates, Delegates, Coroners, School-Maſters, Overſeers of High-ways, and Conſtables, during their Continuance in their reſpective Stations and Buſineſſes, ſhall be exempted from any Attendance as Jurors.

And be it further Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That every Perſon, that ſhall be duly ſerved with Proceſs to appear at the Provincial-Court, as a Witneſs, to teſtifie in any Matter or Thing there depending, and ſhall not keep his Day of Appearance, but make Default, ſhall be fined by the Juſtices of the Provincial-Court, One thouſand Pounds of Tobacco; and every Perſon, that ſhall be duly ſerved with Proceſs to appear in any of the County-Courts of this Province, as a Witneſs, to teſtifie in any Matter or Thing there depending, and ſhall not keep his Day of Appearance, but ſhall make Default, ſhall be fined by the Juſtices of the County-Court, where ſuch Default ſhall happen, the Sum of Five hundred Pounds of Tobacco; both which Fines ſhall be to His Majeſty, His Heirs and Succeſſors, for the Support of the Government of this Province; and the Perſons, that ſhall be ſummoned as Evidences, and ſhall make Default, as aforeſaid, ſhall not only be liable to the Fines aforeſaid, but ſhall alſo be liable to anſwer the Party for whom he ſhall be ſummoned, in an Action upon the Caſe, for the Damages ſuſtain'd for want of his Appearance, to teſtifie according to ſuch Summons, and ſhall be held to Special Bail on ſuch Action, and ſhall be liable to a Conviction thereon, for all Damages that ſhall be ſuſtained by ſuch Party for want of ſuch Evidence; and ſhall alſo be liable, on ſuch Default, at the Requeſt of the Party, for whom ſuch Evidences ſhall be ſummoned, to have his, her, or their Body or Bodies attached, by Proceſs out of the Court to which they were ſummoned, which ſuch Court is hereby authorized and required to award accordingly; by Virtue of which Proceſs, the Sheriff ſhall be obliged to have the Body of ſuch Evidence at the Court where ſuch Writ ſhall be returned to, and ſhall oblige their Attendance at the ſame Court; and in caſe any Witneſs, ſummoned or attached, who being preſent, ſhall refuſe or delay to give his Evidence, ſuch Witneſs ſhall be committed to the Goal, there to remain, till he ſhall willingly do the ſame.

And for the Aſcertaining the Expences of Jurors and Evidences; Be it Enacted, That it ſhall and may be lawful, for His Majeſty's Juſtices of the Provincial-Court of this Province, to allow unto the Grand Jurors, that ſhall ſerve in the Provincial-Court, towards their Defraying the Expences of the ſaid Jurors, for every Court they ſhall attend, any Quantity of Tobacco, not exceeding

Three thouſand Pounds of Tobacco, at the Diſcretion of ſuch Juſtices, to be paid out of the Publick Levy of this Province.

AND be it alſo Enacted, That it ſhall and may be lawful, for the Juſtices of the ſeveral and reſpective County-Courts of this Province, to allow unto the Grand Jurors that ſhall ſerve in the ſeveral and reſpective County-Courts, any Sum of Tobacco, at the Diſcretion of the ſaid Juſtices, not exceeding Five hundred Pounds of Tobacco, for each Court they ſhall ſerve, to be paid out of the ſeveral and reſpective County Levies.

AND be it further Enacted, That it ſhall and may be lawful, for the Juſtices of the Provincial-Court, to allow unto every Petit Juror, ſummoned to ſerve in the ſame Court, the Sum of Thirty Pounds of Tobacco, for every Day ſuch Juror ſhall attend in ſuch Service, to be paid them in the Publick Levy, beſides the Sum of One hundred and Twenty Pounds of Tobacco, to be allowed every full Jury, that ſhall paſs their Verdict in any Cauſe, to be paid by the Party for whom ſuch Verdict ſhall paſs, and be allowed in the Bill of Coſts, as uſual; and that the Clerk of the Provincial-Court for the time being, lay a Liſt of all Perſons that ſerved as Petit Jurors in the Provincial-Court, with an Account of the Number of Days they attended, and the Counties they were returned for, before the Committee for laying and apportioning the Publick Levy yearly, under the Penalty of Six thouſand Pounds of Tobacco to the King, His Heirs and Succeſſors, for the Support of the Government; to be recovered by Bill, Plaint, or Information, wherein no Eſſoign, Protection, or Wager of Law, to be allowed; for which he ſhall be allowed in the Publick Levy Two hundred Pounds of Tobacco, and no more.

AND to prevent Partiality in Jurors; be it Enacted by the Authority, Advice, and Conſent aforeſaid, That no Sheriff ſhall ſummon any Perſon, to ſerve as a Petit Juror in any Court whatſoever, where he hath Knowledge ſuch Perſon hath any Matter of Fact depending for Tryal at the ſame Court he is ſummoned to ſerve in; and that no Perſon, having ſuch Matter of Fact depending for Tryal, as aforeſaid, ſhall be admitted, as a qualified Juror between Party and Party, during the Sitting of ſuch Court, that ſuch Matter of Fact ſhall be, or expected to be try'd in.

AND be it further Enacted by the Authority, Advice, and Conſent aforeſaid, that it ſhall and may be lawful for the Juſtices of the Provincial-Court, to allow unto every Perſon or Perſons, that ſhall be legally ſummoned to give their Evidence in the ſaid Courts, the Sum of Forty Pounds of Tobacco, and no more, for every Day they attend at ſuch Court, together with their itinerant Charges, as uſual, to be allow'd by the Court, and paid by the Perſon ſummoning them, and to be charged in the Bill of Coſts, in Caſes of *Meum* and *Tuum*, and in all Caſes criminal, to be paid according to the Directions of the Act of Aſſembly of this Province, for the ſpeedy Tryal of Criminals, and for the Payment of their Fees: And that it ſhall and may be lawful for the Juſtices of the ſeveral and reſpective County-Courts of this Province, to allow unto every Perſon or Perſons, that ſhall be ſummoned to give their Evidence in their ſeveral and reſpective Courts, in any Action or Controverſy depending in the ſaid Courts, the Sum of Thirty Pounds of Tobacco for every Day they attend as an Evidence, until ſuch Cauſes ſhall be ended, and no more; to be paid in the ſame Manner as Evidences that attend the Provincial-Court, are herein before directed to be paid.

Paſs'd June 3*d*, 1715.

An Act, Aſcertaining the Height of Fences, to prevent the Evil occaſioned by the Multitude of Horſes; and Reſtraining Horſe-Rangers within this Province; and to Redreſs the great Evil accruing to this Province, by the Multiplicity of uſeleſs Horſes, Mares, and Colts, that run in the Woods. N° 81.

BE it Enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of His Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That all Incloſures by Fences, or otherwiſe, within the Intention of this Act, herein after mentioned, ſhall be Five Foot high: And from and after the Firſt Day of *May*, till the next Tenth Day of *November* next, and ſo yearly, and every Year, all Owners of any Horſe, or Horſes, or Mares, or Colts, and Geldings, ſhall, and are hereby obliged, to keep all ſuch Horſe or Horſes, Mares, Colts, or Geldings, within good and ſufficient Incloſures, fenced Grounds, or Paſtures, upon the Pains and Penalties hereafter following.

AND be it further Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That if the Owner or Owners of any ſuch Horſe or Horſes, Mares, Colts, or Geldings, as aforeſaid, ſhall omit to take up, drive in, and keep up, all ſuch Horſes, Mares, Colts, or Geldings, and that ſuch Horſes, Mares, Colts, or Geldings, ſhall break into the Paſtures, Corn-fields, or other Incloſures, of any Inhabitants within this Province, within the Time by this Act limited, as aforeſaid, the ſaid Owner or Owners thereof, having Notice or Warning thereof given him, her or them, two ſeveral times, by the Party grieved, and notwithſtanding, the Owner or Owners of ſuch Horſe or Horſes, Mares, Colts, or Geldings, as aforeſaid, neglecting to perform what is by this Law injoined and required, that then it ſhall and may be lawful for the Perſon grieved and damnified, to ſhoot, kill, or deſtroy, any ſuch Horſe or Horſes, Mares, Colts, or Geldings, as aforeſaid: Provided always, That no Perſon whatſoever, tho' grieved or damnified, ſhall preſume to ſhoot, kill, or deſtroy any ſuch Horſe or Horſes, as aforeſaid, except upon his, her, or their proper incloſed Ground, within his, her, or their lawful Poſſeſſion, by Leaſe for Years, yearly Rent, or other lawful Tenure, upon the Penalty of paying the Owner thereof the full Value of ſuch Horſe, Gelding, Mare, or Colt, ſo killed or deſtroy'd; to be recovered by Action of Treſpaſs, or Action on the Caſe, in any County-Court of this Province.

AND be it further Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That whenever any Horſe, Mare, or Gelding, ſhall break into any Corn-field, or other Incloſure, and the Owner be not known, that then, and in all ſuch Caſes, it ſhall and may be lawful for the Party agrieved, to take up ſuch Horſe, Mare, or Gelding, ſo treſpaſſing, and the ſame to carry before the next Magiſtrate, who ſhall be obliged to take an Account of the Marks of ſuch Beaſts, both Natural and Artificial, which the Perſon agrieved ſhall ſet up in the moſt publick Places in the ſame County; and until the Owner ſhall be known, it ſhall and may be lawful for ſuch injured Perſon, to uſe and imploy ſuch Horſes, Mares, and Geldings, without incurring the Penalties in this Act herein after impoſed, not injuring ſuch Beaſt, by any careleſs or wilful Means; which Beaſt ſhall be delivered in good Order to the Perſon owning the ſame, proving his Property, by the Teſtimony of One Witneſs, before any Magiſtrate.

AND

AND be it further Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That whoſoever ſhall unlawfully, and without the Knowledge and Conſent of the Owner, take another Man's Horſe, Mare, or Gelding, and the ſame keep one Hour in his Poſſeſſion, except ſuch Horſe, Mare, or Gelding, be found treſpaſſing, as aforeſaid, and the Owner not known, and ſuch Horſe, Mare, or Gelding, ſhall, without Conſent aforeſaid, occupy in any labour or travel, ſhall not only pay Damages to the Owner, but ſhall forfeit and pay the Sum of Five hundred Pounds of Tobacco; one Half to the Informer, the other Half to the Party grieved; to be recovered in any County-Court of this Province, by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoign, Protection, or Wager of Law, to be allowed.

AND foraſmuch as divers Complaints are made of the Abuſes committed by ſuch Perſons, that have obtained Commiſſions from the Governor to range the Woods and Foreſts after wild neat Cattle and Horſes; It is pray'd, that it may be Enacted, And be it Enacted by the Authority, Advice, and Conſent aforeſaid, That it ſhall not be lawful for any Perſon, after the End of this preſent Seſſion of Aſſembly, to make Application to the Governor for the time being, to grant a Commiſſion to range, as aforeſaid, except ſuch Perſon produce a Certificate, from under the Hands of the Juſtices of the County-Courts, where the ſaid Perſon is to range, ſetting forth, that he is of good Fame.

AND be it further Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That no Perſon, commiſſionated, as aforeſaid, ſhall depute any Perſon, as Deputy, to range the Woods and Foreſts after wild neat Cattle or Horſes, as aforeſaid, except ſuch Perſon be likewiſe approved of by the Juſtices of the County, in which he is to range as a Deputy.

AND foraſmuch as it is neceſſary to declare at what Age Horſes, Mares, and Cattle, ſhall be deemed wild; Be it Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That it ſhall not be lawful for any Ranger, within this Province, to take up and mark, or otherwiſe diſpoſe of any unmarked Horſe, Mare, Bull, or Cow, which ſhall not exceed the Age of Three Years, under Penalty of Suffering, as any other Perſon ought, that hath not ſuch Commiſſion; any Law, Uſage, or Cuſtom, to the contrary notwithſtanding.

AND be it further Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That the Juſtices in each reſpective County, within this Province, ſhall, yearly, and every Year, at their County-Courts, in the Months of *November* and *March*, during the Continuance of this Act, cauſe it to be read in open Court, and likewiſe give it in Charge to the Grand Jury, to enquire of any Breaches thereof, committed by Wood-Rangers in that County.

AND be it further Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That no Perſon whatſoever ſhall preſume to range in the Woods or Foreſts, after wild neat Cattle or Horſes, without a Licence from his Excellency the Governor in Chief, for the time being, under the Penalty of Five thouſand Pounds of Tobacco, for every ſuch beforementioned wild Creature, that every ſuch unlicenſed Ranger ſhall kill, take up, or convey away, alive or dead; one Half to His Majeſty, His Heirs and Succeſſors, for the Support of Government of this Province, the other Half to the Informer, or him or them that ſhall ſue for the ſame, by Action of Debt, Bill, Plaint, or Information, in any Court of Record in this Province, wherein no Eſſoign, Protection, or Wager of Law, to be allowed.

AND be it further Enacted by the Authority aforeſaid, That if any Ranger, or his Deputy, ſhall preſume to range, take up, or kill, any wild neat Cattle, Horſe, or Mare, in any Iſland or Iſlands, Paſture, or other incloſed Grounds, belonging to any the Inhabitants of this Province, without the Leave of the Owner of the ſame, ſhall forfeit for every Beaſt, ſo taken up, or killed, as aforeſaid, the Sum of Five thouſand Pounds of Tobacco; one Half to His Sacred Majeſty, His Heirs and Succeſſors, towards the Defraying the County-Charge

Charge where the ſaid Offence or Offences is committed, the other Part to the Party grieved, or to him or them that ſhall ſue for the ſame; to be recovered, as aforeſaid.

AND whereas the extravagant Multitude of uſeleſs Horſes, Mares, and Colts, that run in the Woods, are found very Pernicious and Burthenſom to the Inhabitants of this Province, it is thought neceſſary, that ſome ſuitable Remedy be provided in that Behalf; and therefore, Be it Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That from and after the End of this preſent Seſſion of Aſſembly, all Stoned Horſes ſhall be kept within good and ſufficient Incloſures: And in caſe any Stoned Horſe or Horſes, that have been taken up and broke, fit for Uſe, ſhall happen to be found looſe, and out of ſuch Incloſures, it ſhall and may be lawful, for any Perſon or Perſons whatſoever, to take up and impound, or cauſe to be taken up and impounded, in ſome open Pound, and there to detain him, on the Riſque of the Owner thereof, or cauſe him to be ſo detained, until the Owner or Owners of ſuch Horſe, having ſpeedy and convenient Notice of ſuch Impounding, ſhall ſatisfie unto the Perſon ſo Impounding, or cauſing ſuch Horſe to be impounded, the Sum of Five Shillings, or Sixty Pounds of Tobacco. And that in caſe any Stoned Colt, above Eighteen Months old, or Stoned Horſe unbroke, ſhall, at any time after the End of this preſent Seſſion of Aſſembly, be found looſe in the Woods, or out of ſuch Incloſure; it ſhall and may be lawful, for any Perſon whatſoever, to ſhoot, or otherwiſe kill and deſtroy ſuch Horſe or Colt, without being accountable or anſwerable to the Owner or Owners of ſuch Horſe and Colt, or any other Perſon or Perſons whatſoever, in any Action or Suit whatſoever: And in caſe any Perſon or Perſons ſhall, at any time, be ſued for any ſuch Shooting, Killing, or Deſtroying, as aforeſaid, it ſhall and may be lawful for ſuch Perſon to give this Act in Evidence upon the General Iſſue; any Law, Statute, or Cuſtom, to the contrary notwithſtanding.

AND be it further Enacted by the Authority, Advice, and Conſent aforeſaid, that after the End of this preſent Seſſion of Aſſembly, it ſhall not be lawful for any Perſon, not having Land of his own, nor renting Plantation, to keep any Breeding Mare or Mares in the Woods, upon the Penalty of Six hundred Pounds of Tobacco for every Breeding Mare by ſuch Perſon owned and kept; the one Half of which Fines to go to His Majeſty, towards Defraying the County-Charge where ſuch Offender ſhall reſide, the other Half to the Informer, or him or them that ſhall ſue for the ſame; to be recovered by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoign, Protection, or Wager of Law, to be allowed.

Paſs'd June 3*d*, 1715.

№ 82. ***An Act, Prohibiting the Carrying of Liquors to the* Indian *Towns, or Selling any Quantity of Strong Liquors to the* Indians, *to prevent Differences between them and His Majeſty's Subjects; and to Puniſh the Tranſporters of any Friend* Indian *or* Indians, *out of this Province.***

BE it Enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of His Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That from and after the Publication hereof, any Perſon or Perſons whatſoever, inhabiting or trading into this Province, that ſhall preſume to carry any Liquors whatſoever, to any *Indian* Fort or Town, or within Three Miles of any ſuch Fort or Town, and ſhall vend or diſpoſe of the ſame to any *Indian* or *Indians* whatſoever, ſuch Perſon or Perſons, ſhall forfeit the Sum of Five thouſand Pounds of Tobacco; one Half thereof to our Sovereign Lord the King, His Heirs and Succeſſors, toward the Support of Government, the other Half to him or them that ſhall inform or ſue for the ſame; to be recovered in any Court of Record within this Province, by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoign, Protection, or Wager of Law, ſhall be allowed.

AND whereas it is repreſented to this General Aſſembly, that of late, ſeveral Diſorders and Riots have been committed by drunken *Indians*; in order to prevent ſuch like future Misfeazances and Outrages, Be it Enacted by the Authority, Advice, and Conſent aforeſaid, That if any Perſon or Perſons whatſoever, from and after the End of this preſent Seſſion of Aſſembly, ſhall, by himſelf, or Servant, or otherwiſe, directly or indirectly, vend or ſell, to any *Indian* or *Indians*, in the Space of One Day, above One Gallon of Rum, Wine, Brandy, or Spirits, or above Five Gallons of Cyder, Perry, Quince-Drink, or Strong Beer, ſuch Perſon or Perſons, being convict thereof, ſhall forfeit the Sum of Three Thouſand Pounds of Tobacco to our Sovereign Lord the King's Majeſty, His Heirs and Succeſſors; the one Half thereof to be apply'd towards the Defraying the County Charge, the other Half to him or them that ſhall ſue for the ſame; to be recovered in any Court of Record within this Province, by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoign, Protection, or Wager of Law, to be allowed.

AND foraſmuch as it is very obſervable and manifeſt, that ſundry ill-diſpoſed Perſons have oftentimes, by ſpreading Lies and falſe Reports, raiſed and fomented unnaccountable Heats and Jealouſies, between the *Indians* and His Majeſty's Subjects of this Province; for the Prevention of the ſaid ill Practices for the future, Be it Enacted by the Authority, Advice, and Conſent aforeſaid, That if any Perſon or Perſons whatſoever, ſhall, wittingly or willingly, ſpread, and utter any falſe-feigned Stories or Reports whatſoever, tending to the Diſquiet of the *Indians*, or making Feuds between them and His Majeſty's Subjects of this Province, or ſhall endeavour, by any ſiniſter, or unwarrantable Means whatſoever, to raiſe or create any Miſunderſtanding or Difference between His Majeſty's Subjects and the ſaid *Indians*, every ſuch Perſon or Perſons, convict of any ſuch Offence or Offences, ſhall forfeit unto our Sovereign Lord the King, His Heirs and Succeſſors, Five hundred Pounds of Tobacco; the one Half thereof to His Majeſty, His Heirs and Succeſſors, for Defraying the County Charge, and the other Half to him or them that ſhall inform or ſue for the ſame in any County-Court within this Province; to be recovered, as aforeſaid: Provided, That this Act, or any thing herein contained, ſhall not be conſtrued to extend to the Hindrance of any Perſon or Perſons whatſoever, from relating or giving

giving any Information to any Juſtice of the Peace, or to the Commander in Chief of the Militia, in any County, within this Province, of any Difference they ſhall know or hear of, between His Majeſty's Liege People and the *Indians*, or amongſt the *Indians* themſelves, or of any Cauſe of Suſpicion of ſuch Difference, whether ſignified by Words or Actions.

AND be it further Enacted by the Authority aforeſaid, That it ſhall not be lawful for any of His Majeſty's Subjects, to buy or purchaſe from any *Indian* or *Indians* whatſoever, any Guns or Matchcoats for Liquor, upon Pain of returning to the *Indian* or *Indians*, ſuch Guns or Matchcoats by them purchaſed, and alſo of loſing the Price or Value of the Liquors ſold them for ſuch Guns or Matchcoats; nor ſhall any of His Majeſty's Subjects whatſoever, truſt any *Indian* or *Indians* for Liquors, or take any Pawn or Pawns from them, on any Pretence whatſoever, on Pain of loſing their Debt for ſuch Liquors, ſo credited to the *Indians*, as aforeſaid, and being obliged to reſtore the *Indians* Pawns, as aforeſaid, without any Reward or Satisfaction therefore; any Law, Statute, Uſage, or Cuſtom to the contrary notwithſtanding.

AND to the End that no Breach of Peace may happen between the Neighbouring *Indians*, and the Inhabitants of this Province; Be it Enacted by the Authority aforeſaid, That any Perſon or Perſons whatſoever, that ſhall take, intice, ſurprize, ſell, or tranſport, or cauſe to be ſold or tranſported out of this Province, or otherwiſe diſpoſe of any Friend *Indian* or *Indians* whatſoever, or attempt or endeavour ſo to do, without Licence from the Governor for the time being, and all Acceſſaries thereunto, ſhall be fined and impriſoned, at the Diſcretion of the Governor and Council for the time being; and that any Perſon or Perſons whatſoever, that ſhall inform againſt, or cauſe ſuch Offender or Offenders to be apprehended, ſhall have ſuch Satisfaction therefore, as the Governor and Council ſhall think fit.

AND be it further Enacted, That the Governor for the time being, may, as Occaſion ſhall require, appoint, in any County within this Province, Three good and diſcreet Perſons, whereof any Two ſhall and may hear and determine all or any ſuch Matters of Controverſy, as ſhall ariſe between any the *Indians* and the Inhabitants of this Province, as to him it ſhall ſeem meet.

Paſs'd June 3*d*, 1715.

An Act for Aſcertaining the Bounds of Lands within this Province. N° 83.

FORASMUCH as at the Firſt Settlement of this Province the Heathen *Indian* Enemies were ſo very numerous and barbarous, that both the Perſons, deſirous to purchaſe Lands, and to inhabit and ſettle on the ſame, and alſo the Surveyors appointed by the Right Honourable the Lord *Proprietary* to ſurvey and lay out ſuch Lands to the ſaid Perſons, were deterred from making ſo ſtrict a Scrutiny into the true Situation of the ſeveral Rivers, Creeks, and Branches of this Bay, ſo as to prevent the Interference of the Bounds limited and appointed by the ſaid Surveyors for each Tract, and for Settling the Courſes, or Meaſuring the true Diſtances of Lines, directed to run to the ſeveral Trees or other Bounds then preſcribed, to limit and bound the ſeveral Tracts of Land; and alſo the Surveyors themſelves, ſo appointed, were too often both very ignorant and negligent in performing their Duty therein; and alſo foraſmuch as the bounded Trees by them formerly bounded, (for very many of the ſaid former Surveyors are dead) are ſo far loſt and forgotten, that no Remains or Memory are left of the

the ſame, and the other Boundaries, either of Bays, Rivers, Creeks, or Branches, as alſo of Courſes and Diſtances, ſo darkly and unskilfully expreſſed, that many great Controverſies and Suits have been, and are daily moved thereupon, and no certain Method as yet being preſcribed for the ſpeedy Determination thereof, but a Courſe at Common Law, and Tryals by Juries in the Provincial-Court, which Juries, having never had any View of the Lands in debate, ſo as to be made ſenſible of the true Situation of them, whereby the true Intent and Meaning of the dark and unskilful Expreſſions of the aforeſaid Surveys are the better to be underſtood, cannot poſſibly give a juſt Verdict thereupon, which occaſions moſt common and frequent Appeals to the Superiour Courts, and vaſt additional Charges thereby accruing, Inſupportable to the Inhabitants of this Province, eſpecially the poorer Sort, who are thereby frequently ruined, or very much impoveriſhed, and many times forced to relinquiſh and give up their juſt Rights to their moſt potent litigious Adverſaries, rather than ſuffer the loſs of Time, Fatigue, and Expence of a long Journey, and longer and more tedious Attendance: And foraſmuch as the Multitude of Caſes, varying in their ſeveral Circumſtances, will not admit of any General Rules to be preſcribed, whereby the Court and Jury may adjudge of and determine the Matter in Controverſy; Therefore this preſent General Aſſembly do pray, that it may be Enacted, And be it Enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of His Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That Five Perſons in each reſpective County of this Province, who are beſt skilled in the Art of Surveying, and beſt acquainted with the Nature and Deſign of former Surveys, ſuch as the Governor and Council, for the time being, ſhall ſee proper, ſhall be Commiſſionated and Impowered, under the Great Seal uſed in this Province, by the Governor for the time being, who by Virtue thereof, and the Authority of this Act, ſhall or may, with or without Adjournment, from time to time, meet, and ſummarily, and without the Formalities of Proceedings uſed in Courts of Law or Equity, by Teſtimony of Witneſſes upon Oath, Examination of Parties intereſted, or by all or any of the ſaid Ways, or otherwiſe, at their Diſcretion, from time to time, to hear and determine all Differences and Controverſies, which hereafter ſhall or may happen in their ſeveral and reſpective Counties, between any Perſons therein, of, for, touching, or concerning the Bounds and Meets of Land only; which ſaid Commiſſioners ſhall take the following Oath:

I A. B. *do Swear, That I will Juſtly and Truly Execute the Powers and Authorities in this Act contained, and according to the beſt of my Knowledge, without Favour or Affection to any of the Parties concerned.*

So Help me GOD.

And for that it may be highly neceſſary, that certain Times be appointed for the ſaid Commiſſioners to meet at a certain Place, whereto all Perſons agrieved may repair to make Application for Redreſs; Be it Enacted by the Authority aforeſaid, That the ſaid Commiſſioners ſhall appoint certain Days, and make Publication thereof, whereon to meet at the Court-Houſe in each reſpective County; at which Day and Place the ſaid Commiſſioners, or any Three or more of them, upon Complaint made by any Perſon, touching any Difference or Diſpute, concerning the Bounds or Limits of any Tract or Tracts of Land, lying and being within their reſpective Counties, ſhall appoint a certain Day or Days, on which the ſaid Commiſſioners, or any Three of them, at the leaſt, not being any ways related to either Complainant or Defendant, either by Conſanguinity or Affinity, or any ways intereſted in ſuch Diſpute, unleſs by mutual

tual Conſent of both the ſaid Parties, ſhall go upon the Land in Diſpute, and view and conſider the Premiſſes.

And for the better Enabling the ſaid Commiſſioners to proceed with Effect in the ſaid Cauſes; Be it Enacted by the Authority aforeſaid, That upon a Petition or Complaint, made to the ſaid Commiſſioners in Writing, by any Perſon or Perſons any ways concerned in ſuch diſputable Bounds, that it ſhall and may be lawful for any one of the ſaid Commiſſioners to grant Summons in Writing, to be directed to the Party or Parties therein mentioned, and alſo to any Witneſs and Witneſſes, or His Majeſty's Surveyor of the ſaid County for the time being, to be and appear before the ſaid Commiſſioners at a Day and Place therein to be perfixed, the Service whereof in ſuch Manner and Form, as is uſually allowed to be good Service in Caſes of *Subpæna*, ſhall be accounted to be good Service in the Caſes aforeſaid; and that upon Appearance or Default of any Perſon or Perſons, intereſted in any manner, as aforeſaid, upon Oath thereof made before the ſaid Commiſſioners, they ſhall and may notwithſtanding, proceed to the Determination of ſuch Controverſy; ſaving always, that when any Perſon or Perſons, ſo to be ſummoned, ſhall be beyond the Seas, or cannot be found to be ſummoned, that no Proceedings ſhall be thereupon had, until after Eighteen Months then next following; and then, upon Oath being made of endeavouring to ſerve the ſaid Summons, the ſaid Commiſſioners ſhall and may proceed, as if the ſaid Party had been actually ſummoned, unleſs the ſaid Perſon or Perſons, ſo abſent, upon a new Summons after his or their Return, or being found, ſhall ſooner appear.

And be it further Enacted by the Authority aforeſaid, That if the Surveyor of the County aforeſaid, ſhall wilfully forbear or delay to be and appear, according to the Tenor of the ſaid Summons, ſuch Surveyor, ſo wilfully refuſing or delaying, ſhall forfeit for every ſuch Offence, Five hundred Pounds of Tobacco to the King's Majeſty, His Heirs and Succeſſors, for Support of Government; to be recovered in any Court of Record, by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoign, Protection, or Wager of Law, to be allowed: And if any Witneſs, ſo ſummoned, ſhall neglect to appear at the Time and Place notified, or ſhall, when appearing, refuſe to give his or their Evidence, it ſhall be lawful for the ſaid Commiſſioners to iſſue Attachment againſt him, her, or them, to cauſe him to come, or commit ſuch Witneſs, for ſuch their Obſtinacy, until they give their Evidence, as the Caſe may require. And for the better Diſcovery of the true Bounds of the Lands in Diſpute, the Commiſſioners, or any Three of them, as aforeſaid, being upon the Land, may cauſe the ſaid Lands, and alſo any other adjacent Lands, for their better Information, to be ſurveyed; and having duly and impartially conſider'd, as well the Proofs and Allegations of both Parties, as all other Circumſtances neareſt concurring, with the true Intent, Deſign, and Meaning of the Original Surveyors, ſhall then and there determine and aſcertain the Limits and Bounds of the ſaid Lands in Diſpute, as they, or the major Part of them, then and there preſent, ſhall adjudge moſt Juſt and Reaſonable, and cauſe the ſame Lands, in their Preſence, to be new marked out, with ſuch Marks and Bounds, as to them ſhall be adjudged moſt plain and durable, and cauſe Three fair Plats, and Certificates thereof, to be made by the ſaid Surveyor; Two thereof for the contending Parties, and the other to be fairly entred in a Book for that purpoſe, to be provided by the Commiſſioners at the County Charge, of good, large, ſtrong Paper, with a Leather or Parchment Cover, which ſaid Book ſhall be lodged with the Clerk of the County where ſuch Lands, as aforeſaid, lye, and kept among the Records of the ſaid County; which ſaid Bounds, ſo aſcertained and entred, as aforeſaid, ſhall be and remain the certain and undoubted Bounds of the ſaid Lands for ever. And further, The ſaid Commiſſioners, after having aſcertained the Limits and Bounds aforeſaid, ſhall and may, by virtue of this Act, put either the Complainant or Defendant, as the Caſe ſhall require, into peaceable Poſſeſ-

ſion of the Bounds ſo determined, and alſo aſſeſs and decree all Coſts and Damages accruing thereupon; upon Non-payment whereof, it ſhall and may be lawful for the Party or Parties concerned, to bring an Action at the Common Law for the Recovery thereof, and to give ſuch Order or Decree in Evidence to prove the ſame; in which Action, no Eſſoign, Protection, or Wager of Law, ſhall be allowed; and that from all and every of ſuch Decrees and Determinations, there ſhall be no Appeal or Review, other than is hereafter expreſſed.

AND be it further Enacted by the Authority aforeſaid, That ſuch Commiſſioners, ſo commiſſionated, as aforeſaid, in Conſideration of their Time and Trouble in viewing the ſeveral Lands in Controverſy, as aforeſaid, and paſſing ſuch Order and Decree, as aforeſaid, ſhall, for every Day they attend thereon, be paid the Sum of One hundred Pounds of Tobacco *per* Day, and no more; to be paid by ſuch of the Parties, as the Commiſſioners ſhall adjudge to pay the ſame.

AND for aſcertaining what Fees the Surveyor ſhall receive; Be it Enacted by the Authority aforeſaid, That for all ſuch Surveys, which in this Caſe ſhall be made, the ſaid Surveyor ſhall have ſuch Fees, as by Law are ſettled for primitive Surveys; but if in caſe it ſhall be found needful to ſurvey and run out One or more Lines of any adjacent Lands, that then the Surveyor, for every ſuch Line or Lines by him run, ſhall have only a Quarter of a Pound of Tobacco *per* Perch, and no more: And if it ſhall ſo happen, that the King's Surveyor of the County ſhall be either a Perſon intereſted in any of the ſaid Diſputes, or related to either Party, or that any juſt Exceptions be made againſt him, and allowed by the ſaid Commiſſioners; then the ſaid Commiſſioners ſhall appoint ſome other skilful and honeſt Perſon in his ſtead to perform that Service.

AND for the better Diſpatch of Buſineſs by the ſaid Commiſſioners; Be it Enacted by the Authority aforeſaid, That the ſaid Commiſſioners may, by their Wiſdoms and Diſcretions, order and ſettle ſuch juſt Fees and Rewards for ſuch Clerk, and other Officers and Aſſiſtants, as they ſhall judge neceſſary to be by them appointed and imploy'd; all which ſaid Officers and Aſſiſtants ſo appointed, as aforeſaid, ſhall give their due Attendance at the Time and Place appointed, and do and perform ſuch Services, in Furtherance of this Act, as ſhall be then and there directed them by the ſaid Commiſſioners, under ſuch Penalties, as by the ſaid Commiſſioners ſhall be adjudged, not exceeding One hundred Pounds of Tobacco, to be levied by Way of Execution, to the Uſe of the ſaid Commiſſioners, on the Body, Goods, and Chattels, of each of ſuch Offenders.

AND for the more effectual putting this Act in Execution; Be it further Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That Sheriffs, Coroners, and Conſtables, within this Province, and other the Officers aforeſaid, ſhall pay as due Obedience to any Precept whatſoever, that ſhall be directed to any of them from the Commiſſioners aforeſaid, as to any other Precept whatſoever, and ſhall be under like Pains or Penalties, for diſobeying or contemning thereof, and ſhall in all Things be aiding and aſſiſtng to ſuch Commiſſioners in their ſeveral Offices, as they are or ought to be to their ſeveral and reſpective County-Courts, or to any ſingle Juſtice thereof; for all which Services by ſuch Sheriffs or Coroners, to be performed by virtue of this Act, they ſhall be allowed Half the Fees that are allowed them by Law in other Caſes for ſuch like Services, and ſhall not charge or exact more, on Pain of incurring the Penalties directed by the Act for Limitation of Officers Fees, againſt the Offenders thereof.

AND to prevent the ſaid Commiſſioners from being moleſted and diſturbed in the Execution of their Commiſſion; Be it further Enacted by the Authority aforeſaid, That if any Perſon or Perſons whatſoever, ſhall preſume to moleſt, diſturb, or obſtruct the ſaid Commiſſioners, Surveyor, or any other Officer or Aſſiſtant, in Performance of their Duty aforeſaid, in any Caſe, within the Direction of this Act, ſhall forfeit and pay to our Sovereign Lord the King, His Heirs

Heirs and Succeſſors, for the Support of Government, the Sum of One thouſand Pounds of Tobacco, to be recovered in any Court of Record within this Province, wherein no Eſſoign, Protection, or Wager of Law, ſhall be allowed.

AND be it further Enacted by the Authority aforeſaid, That if any Suit or Action be commenced or proſecuted againſt any Perſon or Perſons, for what he or they ſhall do, in purſuance of the Execution of this Act, ſuch Perſon or Perſons, ſo ſued, may plead the General Iſſue, and upon any Iſſue joined, may give the Special Matter in Evidence; and if the Plaintiff ſhall diſcontinue his Suit or Judgment paſt againſt him, the Defendant or Defendants ſhall recover his or their Double Coſts for his or their unjuſt Vexation: Provided always, That if either of the ſaid Parties, diſputing Bounds, as aforeſaid, ſhall find himſelf agrieved by any ſuch Order, Determination, and Decree, as aforeſaid, it ſhall and may be lawful for the Perſon ſo agrieved, to make Application to the Governor for the time being, for a Special Commiſſion, to be directed to Three Perſons inhabiting within this Province, whereof One to be of His Majeſty's Council, or one of the Juſtices of the Provincial-Court, and the other Two to be well skilled in the Art of Surveying, and of good Character, ſuch as the Governor ſhall think fit to appoint, to review ſuch Determination, Order, and Decree, who, by virtue of ſuch Commiſſion, ſhall have full Power and Authority to review the ſame, according to the Directions, and according to the Manner preſcribed in this Act, and either confirm the ſame, or otherwiſe to paſs ſuch further Determination, Order, and Decree, of and upon the Premiſſes, as to them ſhall ſeem moſt Juſt and Equitable; ſo always, that the ſaid Review ſhall be made, and fully compleated and entred, as aforeſaid, within Three Months from the time of the Determination, made by the firſt Commiſſioners; from which laſt Determination, and Entry of the Plat, and Certificate thereof, as aforeſaid, there ſhall be no further Review or Appeal whatſoever, allowed to any of the Courts of this Province: But in caſe the Pretentions of any Party grieved ſhall amount unto, or be adjudged to exceed the Value of Three hundred Pounds *Sterling*; that then and in all ſuch Caſes, ſuch Party may have an Appeal from ſuch Sentence, of the Commiſſioners of Review to the King's Majeſty in Council, he giving Security to proſecute ſuch Appeal with Effect, or otherwiſe pay and ſatisfie all ſuch Coſts and Damages, as ſhall or may accrue to the other Party, for whom ſuch Sentence has been given, by making ſuch his Appeal, as aforeſaid.

PROVIDED nevertheleſs, and it is hereby Enacted and Declared, That the Party for whom ſuch Sentence, as aforeſaid, ſhall be given, ſhall not any ways be delayed by ſuch Appeal to the King's Majeſty, as aforeſaid, but immediately put in Poſſeſſion of the Land within the Bounds ſo aſcertained, as aforeſaid: And alſo Provided, That where any Bounds of Lands have been already ſettled and determined by any Law Suits, Arbitrations, or otherwiſe, ſuch Determination appearing on Record, the ſame, ſo ſettled and determined, ſhall remain and continue Unalterable, and no ways ſubject to any View or Review of the Commiſſioners appointed by this Law. And that it ſhall and may be lawful for the Provincial-Court of this Province, to hear and determine all Actions of Treſpaſs and Ejectments already depending before them, or which ſhall be commenced before the Firſt Day of *June*, One thouſand ſeven hundred and ſixteen; any thing in this Act to the contrary in any wiſe notwithſtanding. And further, That this Act, nor any Clauſe therein contained, ſhall be of Force, or put in Execution, within any the Counties of this Province, until the Firſt Day of *June*, in the Year of our Lord God, Seventeen hundred and ſixteen, or continue in Force longer than Three Years, after the ſaid Firſt Day of *June*, Seventeen hundred and ſixteen.

Paſs'd June 3*d*, 1715.

An

№ 84. *An Act for the Speedy Recovery of Small Debts out of the Court, before a Single Juſtice of the Peace.*

FORASMUCH as it is requiſite, that there be ſome Remedy for the Recovery of Small Debts, whereof the Courts of Judicature have no Juriſdiction; Be it Enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of His Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That in all ſuch Caſes, where the real Debt or Damages doth not exceed Four hundred Pounds of Tobacco, or Thirty three Shillings and Four Pence in Money, it ſhall and may be lawful for any One Juſtice of the Peace of each reſpective County, wherein the Debtor doth reſide, to hear, try, and determine the Matter of Controverſy between the Debtor and Creditor, and upon full hearing of the Allegations of both Parties, ſhall give Judgment accordingly; and if need be, charge the Conſtable with the Body of the Debtor in Execution, who is hereby obliged and impowered to carry the Perſon, ſo committed, to the Sheriff of the County, together with a Certificate or *Mittimus* from ſuch Juſtice, wherein ſhall be certified the Debt and Coſts whereof ſuch Perſon ſhall be convict, to be by him ſafely kept, until Satisfaction, or other end thereof; or otherwiſe, that ſuch Juſtice ſhall award Execution on ſuch his Judgment, directed to the Sheriff of the County, by Warrant or *Mittimus*, in the nature of a *Capias ad ſatisfaciendum*, *Fieri facias*, or otherwiſe; and that in caſe, upon the Return of any Warrant, or any Complaint, iſſued by any ſuch Juſtice, it ſhall appear, that the Perſons againſt whom the ſame ſhall iſſue, is not found, it ſhall and may be lawful for the Creditor to proceed in the ſeveral and reſpective County-Courts for the obtaining an Attachment, according to the Directions of the Act for ſuing out Attachments in this Province, and limiting the Extent of them, againſt the Goods, Chattels, and Credits of ſuch Perſon, for any Sum, exceeding Two hundred Pounds of Tobacco, or Sixteen Shillings and Eight Pence in Money; any thing in the Act, for the better Adminiſtration of Juſtice in the ſeveral Courts of this Province, and for ſpeedy Recovery of Debts, *&c.* or any other Law to the contrary notwithſtanding.

Paſs'd June 3*d*, 1715.

№ 85. *An Act, Providing what ſhall be good Evidence to prove Foreign and other Debts; and to prevent Vexatious and Unneceſſary Suits at Law; and Pleading Diſcounts in Bar.*

BE it Enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of His Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That all Debts or Records, whether by Judgment, Recognizance, Deed inrolled, and upon Record, the Exemplification thereof, under the Seal of the Courts where the ſaid Judgment was given, or was recorded, ſhall be a ſufficient Evidence to prove the ſame; and that all other Debts, by Bonds, Bills, Accounts, or otherwiſe, that ſhall, from or after the Publication hereof, be ſent hither, to be put in Suit againſt any Perſon whatſoever, living or reſiding within this Province, ſhall be proved by the Oaths of the Witneſſes thereto,

thereto, before a Notary Publick, or other Officer, lawfully authorized thereto, of the County or Place whereſoever it ſhall happen the ſaid Bonds or Bills ſhall be ſent from; at which Time and Place, and before which Notary Publick, or other publick Officer, ſhall be preſent the Creditors, who ſhall then likewiſe, before ſuch Publick Notary, or other publick Officer of the Place, ſo authorized, upon his Corporal Oath, declare the ſaid Debt, or any Part thereof, ſaving what the ſaid Creditor gives credit for, is not ſatisfied, or that there are not any other Accounts between the ſaid Creditor and Debtor, by which the ſaid Creditor may be likewiſe indebted to the ſaid Debtor to the Value of the ſaid Debt, or any Part thereof, for any Matter or Thing accrued ſince the Date of the ſaid Bond, Bill, or Inſtrument, or whether the ſaid Creditor hath not given the ſaid Debtor any Releaſe for the ſame, to be ſent together with the Proofs, from under the Hands and Seals of the ſaid Notary Publick, or other publick Officer thereunto appointed, which if the Creditor ſhall refuſe or neglect to perform or do, then the ſaid Matter or Thing, by the ſaid Publick Notary, or other Officer, ſo by them certified, as aforeſaid, ſhall not be received as Evidence to prove the ſaid Debt; and if the ſaid Creditor be dead, and his Executors or Adminiſtrators ſue ſuch Bond, Bill, Account, or otherwiſe ſue any Debtor for the ſame, the Executor or Adminiſtrator, in like manner, before ſuch Notary Publick, or other Officer for that purpoſe appointed, ſhall ſet forth and declare upon their Oath, whether or no they have not heard the Creditor in his life-time acknowlege that Debt, or any or what Part thereof to be ſatisfied, or whether or not, upon Sight of the Creditor's Books, Writings, or Accounts, they have not often ſeen Credit given to the Debtor ſince the Day of making the ſaid Bills, Bonds, or Beginnings of the Accounts ſo ſued for; all which, in like manner, is to be certified by the Publick Notary, or other Officer thereunto appointed, under his Hand and Seal, to be ſent along to this Country, together with the Teſtimony of the Witneſſes that have teſtified to the ſaid Bonds, Bills, Accounts, or otherwiſe; all which, if the ſaid Executor or Adminiſtrator refuſe or neglect to do, then the ſaid Matter or Thing, by the Publick Notary, or other Officer, appointed, as aforeſaid certified, ſhall not be received in Evidence for Valid againſt the Debtor.

AND be it Enacted by the Authority aforeſaid, That all and every the Attorney or Attorneys, who ſhall be imployed in the Proſecution of ſuch Suits, ſhall put in Security to pay the Defendant all ſuch Coſts and Charges, as ſhall be by the Defendant in that caſe expended, in caſe the Plaintiff be caſt in the Suit.

AND to the end that no honeſt Debtor, who hath not fled from the Place or County where he contracted his Debt, nor wilfully abſconded himſelf, or fled from Juſtice, ſhall be ſurprized by unneceſſary and vexatious Suits at Law; Be it Enacted by the Authority, Advice, and Conſent aforeſaid, That no Perſon whatſoever, reſiding or trading in or to this Province, their Executors, Adminiſtrators, Agents, Factors, or Aſſigns, ſhall, for any Sum or Sums of Tobacco or Money, due or owing to him by Account upon Book, or otherwiſe, (and for which the Debtor hath not paſt his Hand and Seal to ſuch his Creditor) ſue and implead ſuch Debtor, his Executors or Adminiſtrators, in any Court of Record within this Province, unleſs he ſhall firſt demand or require the ſame of ſuch Debtor, proper Perſon, or otherwiſe, at the Habitation or Place of Reſidence of the ſaid Debtor in the County where he ſhall dwell; to prove which Demand, the Creditor or Demandant's own Oath ſhall be ſufficient: And if the Debtor be not at home to be ſpoke with, then ſuch Demandant ſhall leave a Note, under the Hand of ſuch Creditor or Demandant, or thoſe he ſhall impower to receive the ſame, what time, and to whom the ſame ſhall be paid; and if thereupon the ſame be not paid accordingly, then it ſhall and may be lawful for ſuch Creditor to ſue and implead ſuch his Debtor, and recover againſt him all ſuch Coſts and Damages, as upon Legal Tryal in any Court of this Province, having Cognizance of the Cauſe, ſhall be adjudged, as before the making this Act. But in caſe any Perſon or Perſons ſhall ſue and implead ſuch his Debtor, as

aforeſaid, without making Demand, as aforeſaid, and the Debtor plead, that the Debt was never demanded; by ſuch Plea, the Debtor ſhall be taken to admit the Plaintiff's Declaration to be good, and ſhall only put the Demand in Iſſue; which Iſſue, if the Plaintiff do not joyn, the Plaintiff ſhall be taken to have made no Demand, and ſhall only have Judgment for his Damages, and ſhall loſe all his own Coſts; and if the Plaintiff joyn in Iſſue upon the Demand, and if it be found againſt him, that the Plaintiff ſhall loſe his own Coſts, and pay Coſts of ſuch Tryal to the Defendant; yet the ſaid Plaintiff ſhall have Judgment to recover his Debt or Damages for which he ſues, and for ſo much thereof as appears due upon Ballance.

And be it further Enacted, That if any Debtor or Debtors be ſued by any Creditor or Creditors for any Sum or Sums of Money or Tobacco, due upon the Debtor's Aſſumption, or due by Bill, or Bond, under the Hand and Seal of the ſaid Debtor, and the Debtor confeſs the Aſſumption, or ſuch Part thereof as he ſhall think fit to plead Diſcount to, and acknowledge his Act and Deed; but ſaith farther, that he hath an Account of his own againſt the Creditor, that hath ariſen due to the Debtor ſince the paſſing ſuch Bill or Bond, or after ſuch Aſſumption, as aforeſaid, which he deſires may be diſcounted; it ſhall and may be lawful for the Juſtices before whom ſuch Matter ſhall be depending, upon good Proof made of ſuch Account, to cauſe the ſame, altho' of a leſs or inferiour Nature, to be diſcounted in Court, and give Judgment thereupon againſt the Defendant for ſo much only as ſhall be remaining to the Plaintiff, with Coſts of Suit; Provided the Ballance exceed Four hundred Pounds of Tobacco, or Thirty three Shillings and Four Pence, in the County-Court, and Fifteen hundred Pounds of Tobacco, or Six Pound Five Shillings *Sterling*, in the Provincial-Court; otherwiſe, the Plaintiff ſhall be Nonſuited, as by other Laws are provided. Provided nevertheleſs, That nothing in this Act contained, ſhall be conſtrued to give the ſaid Provincial-Court any other Juriſdiction, than what is agreeable to the Act of Aſſembly for Relieving the Inhabitants of this Province from ſome Agrievances in the Proſecution of Suits at Law; any thing herein contained to the contrary notwithſtanding. Provided nevertheleſs, That if the Defendant will traverſe ſuch Proof, and put it upon the Country for Proof, it ſhall be allowed him ſo to do.

And be it likewiſe Enacted by the Authority aforeſaid, That an Account of Goods ſold, Work done, Money lent, and ſuch other Articles, as lye properly in an Account, and ſworn to by the Plaintiff in any Action brought, or by the Defendant in his Defence, againſt all or any Part of the Plaintiff's Claim, before ſuch Juſtice or Juſtices, as aforeſaid, and that no Part or Parcel thereof is paid, other than what is taken notice of in the ſaid Oaths, ſhall be received as Evidence to prove the Fact in any Court of this Province. Provided, That any Plaintiff or Defendant in any Action, againſt whom ſuch Oath is given for Evidence, ſhall be at his Liberty to traverſe ſuch Oath, by giving Evidence, other than himſelf, againſt it, to invalidate the ſame; and the Court or Jury that try the Cauſe, ſhall judge by that which appears to them the fulleſt and faireſt Evidence.

Paſs'd June 3*d*, 1715.

An Act, declaring the Continuance of the Payment of the Twelve Pence per *Hogſhead, from the Death of the late Right Honourable* Charles *Lord* Baltemore, *until the Twenty Ninth Day of* September *next.* N° 86.

WHEREAS by ſundry Laws heretofore made, there has been a Duty of Twelve Pence *per* Hogſhead laid on Tobacco, made payable to the late Right Honourable *Charles* Lord *Baltemore*, during his natural Life, in Conſideration of his taking Tobacco at Two Pence *per* Pound, in lieu for his Quit Rents and Fines for Alineation: And whereas his Lordſhip is now deceaſed, whereby the Continuance of that Impoſt on the former Laws determines; notwithſtanding which, there have been divers Sums collected by his late Lordſhip's Officers, as by virtue of that Law, before Notice of the Determination thereof by his late Lordſhip's Deceaſe; and for that it is thought neceſſary by the preſent General Aſſembly, as well to declare and aſcertain the Uſes of the Money that has been ſo received, as to continue the Payment thereof this preſent Shipping; Be it Enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of His Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That the ſaid Duty of Twelve Pence *per* Hogſhead, formerly paid to the Lord Proprietary, on the Conſideration aforeſaid, be continued, collected, and received, in the ſame manner, as it ought to have been collected in his Lordſhip's life-time, until the Twenty ninth Day of *September* next; and that the Officers that have received or ſhall receive the ſame, during the Term aforeſaid, ſhall account for and pay the ſame to the Publick Treaſurers of this Province, to the Uſe of the Right Honourable *Benedict Leonard* Lord *Baltemore*, Proprietary of this Province, in caſe he ſhall be favourably pleaſed to accept the ſame, on the ſame Conditions and Terms whereon the ſame Duties were paid to his Noble Father deceaſed, until the Twenty ninth Day of *September* next: And in caſe his Lordſhip ſhall not think fit to accept the ſame, in manner aforeſaid, then the ſaid Duties to be apply'd toward the Defraying the Publick Charge of this Province.

AND for the avoiding Diſputes that may ariſe on the Payment of the ſaid Duties ſince the Deceaſe of the late Noble Lord Proprietary, and before the making this Act; Be it hereby Enacted and Declared by the Authority aforeſaid, That all ſuch Duties as have been received or ſecured by pretext of the Impoſt aforeſaid, ſince his ſaid late Lordſhip's Deceaſe, ſhall be accounted for in manner aforeſaid, and apply'd to the Uſes aforeſaid; any Diſcontinuance of the ſaid Duty, by the Deceaſe of the ſaid Lord *Baltemore*, or otherwiſe, to the contrary notwithſtanding.

Paſs'd June 3*d*, 1715.

№ 87. *An Act, Aſcertaining the Gauge and Tare of Tobacco Hogſheads; and to prevent Cropping and Defacing Tobacco taken on Board Ships or Veſſels upon Freight; and for laying Impoſitions on Tobacco by the Hogſhead, for the Support of Government; and for the Encouraging Settlements in this Province, by Aſcertaining the Manner of Paying the Alienations, Fines, and Quit Rents, to the Lord Proprietory of this Province, on the Conditions therein mentioned.*

FORASMUCH as the Laws heretofore made for Aſcertaining the Gauge of Tobacco Hogſheads, have in great meaſure proved ineffectual, either for want of laying ſufficient Penalties upon the Offenders, or of proper Methods to inflict them, but more eſpecially, as it ſeems to this preſent General Aſſembly, by requiring a Complyance with ſuch a Gauge, as has been found by Experience to tend to the Ruin of ſuch Traders as were ſtrict Obſervers of it, the Generality of our Tobacco being of ſo light and chaffy a nature, that it has been found wholy impracticable, and in a manner impoſſible to pack or prize ſo much of it into a Hogſhead of the late Gauge of Thirty Inches in the Diameter of the Head, as would ſuffice for the Payment of Freight, and other Charges ariſing thereon, the Freighters of ſuch ſmall Hogſheads having been frequently brought in Debt by the Smallneſs of the Quantity of Tobacco contained therein, to the great Damage of the Tobacco Trade, particularly of the Fair Traders therein, which ſeems in a manner to have brought the lateſt of the afore-mentioned Laws almoſt into a general contempt, it being rather more Miſchievous to the Freighters to be brought in Debt by their ſtrict Obſervance of that Gauge, than to loſe their Tobacco here for exceeding it: For Remedy whereof for the future; Be it Enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of His Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That from and after the Twenty ninth Day of *September* next, it ſhall and may be lawful for any Perſon or Perſons whatſoever, ſuſpecting, diſcovering, or knowing of any Hogſhead or Hogſheads of Tobacco, that ſhall exceed Forty eight Inches in the Length of the Stave, or Thirty two Inches in the Diameter of the Head, within the Croze, or that ſhall exceed Thirty ſeven Inches Diameter in the Bulge, on any Accident or Pretence whatſoever, (Thirty ſix Inches Diameter in the Bulge being ſuppoſed a competent Gauge) to call to his Aſſiſtance any Juſtice of the Peace, Sheriff, Veſtryman, or Church-Warden, living or reſiding within the County where ſuch Tobacco ſhall be ſuſpected, known, or diſcovered, and to enter into any Houſe, Ware-houſe, Ship, Boat, or other Veſſel, and there, in the Preſence of ſuch Juſtice, or other Officer aforeſaid, who are hereby required to be preſent, aiding, and aſſiſting to ſuch Informer therein, to ſeize and mark with a Broad Arrow every ſuch Hogſhead or Hogſheads of Tobacco as ſuch Informer ſhall requeſt ſuch Juſtice or other Officer to view, on Suſpicion of exceeding the Gage aforeſaid; and alſo that ſuch Juſtice or other Officer, on Requeſt of ſuch Informer, and is hereby required to proceed in ſuch manner, as he ſhall think moſt proper to examine the Gage thereof, ſo as no Hogſhead or Hogſheads of Tobacco, ſtowed away on Board of any Ship or other Sea-Veſſel, ſhall on ſuch Information be unſtowed, unleſs ſuch Hogſhead or Hogſheads appear in View: And if upon ſuch Examination any Hogſhead or Hogſheads ſhall be found by ſuch Juſtice or other Officer aforeſaid to exceed the Gage aforeſaid, it ſhall be lawful then, and not otherwiſe, for ſuch Juſtice, or other Officer, immediately to condemn the ſame to the Uſe of ſuch Informer, who ſhall thereupon

upon be immediately veſted with the Property thereof, and may convert the ſame to his own Uſe accordingly; and the Judgment of ſuch Juſtice, or other Officer, therein, ſhall be final: But in caſe ſuch Hogſhead or Hogſheads be not found to exceed the Gage aforeſaid, then ſuch Mark or Seizure ſhall be ſtruck out by ſuch Juſtice, or other Officer, aforeſaid, and the Seizure be thereby releaſed. But in caſe any Perſon or Perſons whatſoever, ſhall have Sight of any Hogſhead or Hogſheads, that he or they ſhall ſuſpect to exceed the Gauge aforeſaid, it ſhall and may in ſuch caſe be lawful for ſuch Perſon or Perſons, immediately to ſeize and mark the ſame, as aforeſaid, altho' no ſuch Juſtice, or other Officer, as aforeſaid, be preſent; of which Seizure ſuch Informer ſhall forthwith give Information to ſome Juſtice, or other Officer aforeſaid, living or reſiding in the County where ſuch Hogſhead or Hogſheads ſhall be ſo marked or ſeized; who ſhall be by this Act obliged to go with ſuch Informer, to view and examine the Gauge of ſuch Hogſhead or Hogſheads, as aforeſaid; and ſhall in all Things proceed to the Viewing, Examination, or Condemnation of ſuch Hogſhead or Hogſheads, after the Manner, and to the Uſes aforeſaid, or to the Releaſing the Seizure thereof, as is herein before directed: And every ſuch Informer or Seizor ſhall pay to the Juſtice, or other Officer aforeſaid, making ſuch View or Condemnation aforeſaid, the Sum of Ten Shillings Current Money, for every Hogſhead that ſuch Juſtice or Officer ſhall be requeſted to view or examine by ſuch Informer, whether the Hogſhead or Hogſheads ſo viewed be condemned or not, to be recovered, according to Act of Aſſembly of this Province, for ſpeedy Recovery of Small Debts out of Court, before a ſingle Juſtice.

And be it further Enacted, That in caſe any of the Juſtices of the County-Court, any Sheriff, Coroner, Veſtryman, or Church-Warden, who, upon Application made by any Informer, ſhall, without lawful Excuſe or Impediment, refuſe or delay to perform what is required of them by this Act, the Juſtice or Officer ſo refuſing, ſhall forfeit and pay the Sum of Ten Shillings for every Hogſhead, ſo by him refuſed to be viewed, to the Uſe of ſuch Informer; to be recovered as laſt before-mentioned.

And be it further Enacted by the Authority aforeſaid, That no Perſon or Perſons whatſoever, after ſuch Hogſhead or Hogſheads of Tobacco, marked with the Broad Arrow, as aforeſaid, and before View thereof by any Officer, as aforeſaid, ſhall preſume to remove, alter, or change any Hogſhead ſo marked, as foreſaid, or the Tobacco therein, ſo as to avoid the Juſtice of this Act; nor, after View and Condemnation in manner aforeſaid, ſhall offer to alter, change, or any ways meddle with ſuch condemned Hogſhead or Hogſheads, without Leave or Licence from ſuch Informer, under Penalty or Forfeiture, for every Hogſhead of Tobacco ſo removed, altered, or changed, as aforeſaid, the Sum of Twelve hundred Pounds of Tobacco to the Uſe of ſuch Informer; to be recovered in any County-Court within this Province, by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoign, Protection, or Wager of Law to be allowed. Provided always, That nothing in this Act contained ſhall extend, or be conſtrued to extend to the Repealing, Abrogating, or Diſanulling the Act of Aſſembly, made at a Seſſion of Aſſembly, begun and held at *Annapolis* the Twenty third Day of *October*, *Anno Domini* Seventeen hundred and eleven, Intituled, *An Act, Aſcertaining the Gauge of Tobacco Hogſheads; and to prevent Cropping, Cutting, and Defacing Tobacco taken on Board Ships and Veſſels upon Freight;* or any ways to take away and leſſen the Effect thereof, but that the ſame in all Reſpects ſhall be and continue in Force before the Twenty ninth Day of *September* next, but that the ſaid recited Act ſhall remain till then in full Force, and no longer.

And be it further Enacted, That if any Perſon or Perſons, ſhall, after the End of this Seſſion of Aſſembly, pay, or tender to pay, any packed Hogſhead of Tobacco, whereof the full Weight of the empty Hogſhead, or the full Weight within Five Pounds, is not cut or marked on the Bulge of ſuch Hogſhead, and be thereof convict in manner aforeſaid, he or they ſo convict, as

foreſaid, ſhall forfeit, for every ſuch Hogſhead or Hogſheads, not having the Weight ſet thereon, as aforeſaid, the Sum of Six hundred Pounds of Tobacco; the one Half thereof to our Sovereign Lord the King, His Heirs and Succeſſors, toward the Defraying the Charge of the County where ſuch Offence ſhall be committed, the other Half to the Informer, or him or them that ſhall ſue for the ſame; to be recovered in ſuch County-Court, by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoign, Protection, or Wager of Law to be allowed.

And for the better Aſcertaining what ſhall be allowed for the Value of a Tobacco Hogſhead; Be it Enacted, That the Receiver of any Hogſhead of Tobacco ſhall pay and allow to the Owner or Owners thereof, for ſuch Hogſhead received, the Sum of Forty Pounds of Tobacco, to be added to the Neat Weight of ſuch Tobacco.

And whereas the Inhabitants of this Province, that ſhip their Tobacco on Board Ships and other Veſſels upon Freight, are much abuſed, by Cropping, Cutting, Leſſening, and Diminiſhing of the Hogſheads, wherein ſuch Tobacco is packed, by the Maſters of Ships or other Veſſels, or by other Perſons under their Command and Government: For Remedy whereof for the future; Be it Enacted by the Authority, Advice, and Conſent aforeſaid, That if any Maſter of a Ship or other Veſſel, within this Province, after the End of this preſent Seſſion of Aſſembly, ſhall receive any Hogſhead or Hogſheads of Tobacco on Board his ſaid Ship or Veſſel, on Freight, and ſhall, either by himſelf, or any other Officer or Perſon on Board his ſaid Ship or Veſſel under his Command, cut, or ſuffer any Hogſhead or Hogſheads of Tobacco to be cut, cropped, or leſſened in their Length or Breadth, or by any other Ways or Means abuſed, defaced, or impaired; that then and in every ſuch Caſe, ſuch Maſter of Ship or Veſſel, for every Hogſhead of Tobacco ſo cut, or ſuffered to be cut or leſſened in their Length or Breadth, abuſed, defaced, or impaired, to be proved by the Oath of any ſufficient Perſon, to whom the Tobacco is conſigned in *Great Britain*, or other ſufficient Witneſs, taken before any Magiſtrate, and a Certificate thereof made by any Notary Publick or Magiſtrate, and ſent hither under his Hand and Seal, or by any other legal Proof whatſoever, made in this Province, or elſewhere, ſhall forfeit and pay the Sum of Six hundred Pounds of Tobacco, or Fifty Shillings, to the Party grieved; to be recovered in any Court of Record in this Province, againſt ſuch Maſter, or his Security, by Action of Debt, or on the Caſe, within Seven Years after the Date of the Bill or Bills of Loading of ſuch Tobacco.

And be it Enacted by the Authority aforeſaid, That the Security or Securities of any Maſter of a Ship or Veſſel within this Province, ſhall be liable to make Satisfaction, according to this Act, for the Cropping, Cutting, Abuſing, Defacing, and Impairing of any Hogſhead or Hogſheads of Tobacco, as aforeſaid, and proſecuted for the ſame in any Court of Record within this Province, that can hold Plea thereof; and that every Naval Officer within this Province, ſhall, on Pain of Fifty Shillings, certifie under his Hand and Seal, who are the Security or Securities of any ſuch Maſter; which ſhall be a ſufficient Evidence in any Court of Record, where ſuch Action is commenced, to prove, who are the Security or Securities of any ſuch Maſter; for which Certificate, the Naval Officer may have and receive One Shilling, and no more: And that the ſeveral and reſpective Naval Officers within this Province, ſhall hang a fair Copy of this Law in their reſpective Offices, for the Peruſal of all Maſters of Ships and Veſſels; the Naval Officer to have and receive for the ſaid Copy, One hundred Pounds of Tobacco, to be allowed in the County Levy.

And foraſmuch as by the Enlargement of Tobacco Hogſheads from the late Gauge of Thirty Inches in the Diameter of the Head to this preſent Gauge, a large Quantity of Tobacco will be exported in each Hogſhead, whereby the ſeveral Duties and Impoſitions on Tobacco by the Hogſhead will be evidently Retrenched and Leſſened, unleſs a juſt Regard be had to the Preſervation of them

them in their uſual Worth and Value, which this preſent General Aſſembly is highly obliged to, thoſe Duties being generally apply'd to the Support of Government, and for other the moſt important Affairs of this Province: And that therefore it is not only juſt, but neceſſary, that the Duties upon the Hogſheads, which ſhall be of the Gauge herein directed, ſhould be in ſome ſort enlarged, proportionably to the Enlargement of the ſaid Gauge; It is therefore moſt humbly prayed, that the King's moſt Excellent Majeſty will be graciouſly pleaſed to grant, that it may be Enacted, And be it Enacted by His ſaid Majeſty, by and with the Advice and Conſent of His Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That from and after the Twenty ninth Day of *September* next, there ſhall be raiſed, levied, collected, and paid, to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, for the Support of His Government for the time being, in and over this His Province of *Maryland*, and the Territories to the ſame belonging, for every Hogſhead of Tobacco, which ſhall be ſhipped in any Ship or Veſſel, to be exported out of this Province, or any the Territories, Iſlands, Ports, Rivers, or Places, thereunto belonging, on or after the Twenty ninth Day of *September* aforeſaid, the Sum of Fifteen Pence *Sterling*, in lieu or ſtead of the Twelve Pence *Sterling*, formerly impoſed on every Hogſhead of the afore-mentioned former Gauge; and for every Hundred Weight of Tobacco, exported in Box, Cheſt, Barrel, or Caſe, Two Pence Half-peny *Sterling*, and ſo, *pro rato*, for a greater or leſſer Quantity.

And be it further Enacted, that the ſaid Duty and Impoſition ſhall be, from time to time, paid and ſatisfied by the Maſter or Maſters of every ſuch Ship or Veſſel reſpectively, in which any ſuch Tobacco ſhall be exported, upon his or their clearing or taking out his or their Diſpatch or Diſpatches for every ſuch reſpective Ship or Veſſel, and before the Departure of ſuch Ship or Veſſel. And the Maſter or Maſters of every ſuch Ship or Veſſel, coming into this Province, ſhall, at their firſt Arrival here, and before their loading on Board any Goods or Commodities of the Growth and Production, or Manufacture of this Province, give good and ſufficient Security to his Excellency, or the Officer thereunto eſpecially appointed, for the Payment of the ſaid Duty or Impoſition accordingly.

And whereas this preſent General Aſſembly, on Notice of the Deceaſe of the Right Honourable *Charles* Lord *Baltemore*, late Proprietary of this Province, have made their humble Application to the Right Honourable *Benedict Leonard* Lord *Baltemore*, preſent Lord Proprietary thereof, that he would be favourably pleaſed to accept of his Rents and Fines for Alienations, in Tobacco at Two Pence *Sterling per* Pound, in ſuch Manner, and on ſuch Condition and Terms, as his Noble Anceſtors have heretofore done, for the greaterEaſe to their Tenants in the Payment of their Rents, and the better to encourage the Cultivation and Settlement of the remoter Parts of this their Proprietorſhip: And foraſmuch as the Gratuity, formerly ſettled on his ſaid Lordſhip's Anceſtors for ſuch their Favours, was raiſed by an Impoſt of Twelve Pence on the Exportation of every Hogſhead of Four hundred Pounds of Tobacco, which Impoſt is determined by the Death of the ſaid late Lord Proprietary, ſo that at preſent his Lordſhip's Rents are payable in Money: But foraſmuch as to continue the Payment thereof in Money would be wholy impracticable, from the great Scarcity of it among us, and that it would not only tend much to the Diſappointment of his Lordſhip in the Receipt of his Rents, but alſo to the Oppreſſion of ſuch Tenants, as ſhould hold their Lands under Conditions of ſuch punctual Payments, as the Tenour of their Grants requires, and to the Diſinheriting many, who would be obliged to ſurrender their Eſtates for want of Ability to comply therewith, which in all Probability would put a great Check to the future Cultivation of the Remote and Foreſt Lands of this Province, and be a Cauſe to ſeveral of thoſe remoter Inhabitants to deſert their (yet but poor) Improvements, to the Leſſening the Revenue of the Crown,

and

and Diſcouraging the Enlargement of His Majeſty's Dominions in theſe Parts; all which Inconveniencies this preſent General Aſſembly moſt earneſtly deſire may be Provided againſt. And foraſmuch as the Quantity of Tobacco, now uſually exported, or which may be exported in a Hogſhead of the Gauge by this Act ſettled, exceeds the Quantity which was commonly reputed to be the Contents of a Hogſhead, at the Time when the aforeſaid Twelve Pence *per* Hogſhead was ſettled on his Lordſhip's Anceſtors, for the making eaſy the Payment of his Rents and Fines for Alienations aforeſaid; and alſo, for that altho' the Number of Hogſheads annually exported are increaſed ſince that time, yet, for that the Value of his ſaid Lordſhip's Rents are much more increaſed; It is moſt Humbly pray'd, that it may be Enacted, And be it Enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of His Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That from and after the Twenty ninth Day of *September* next, there ſhall be raiſed, levied, and collected, for every Hogſhead of Tobacco that ſhall be ſhipped in any Ship or Veſſel to be exported out of this Province, or any the Territories, Iſlands, Ports, Rivers, Creeks, or Places thereunto belonging, the Sum of Eighteen Pence *Sterling*; and for every Hundred Weight of Tobacco in Box, Cheſt, Barrel, or Caſe, Three Pence *Sterling*; and ſo, *pro rato*, for a greater or leſſer Quantity, to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, for the Uſes hereafter mentioned, over and above the aforeſaid Fifteen Pence *per* Hogſhead herein before impoſed, in lieu and ſtead of the Twelve Pence *Sterling* formerly impoſed on every Hogſhead, and apply'd to the Uſe of the late Lords Proprietaries: And that the ſame Duty of Eighteen Pence *per* Hogſhead ſhall, after the Twenty ninth Day of *September* aforeſaid, from time to time, be paid and ſatisfied to the ſeveral and reſpective Naval Officers of this Province for the time being, by the Maſter or Maſters of every ſuch Ship or Veſſel reſpectively, in which any ſuch Tobacco ſhall be exported on or after the Twenty ninth Day of *September* aforeſaid, during the Continuance of this Act, upon his or their Clearing, or taking out his or their Diſpatch or Diſpatches for every ſuch reſpective Ship or Veſſel, and before the Departure of ſuch Ship or Veſſel: And the Maſter or Maſters of every ſuch Ship or Veſſel coming into this Province, ſhall, at their firſt Arrival here, and before their loading on Board any Goods or Commodities of the Growth, Production, or Manufacture of this Province, give good and ſufficient Security for the Payment thereof, as is herein before directed. And the ſaid Naval Officers, on Receipt of the Eighteen Pence *per* Hogſhead, ſhall be, and are hereby obliged to render an Account of, and pay the ſame to the Publick Treaſurers of this Province, after the ſame Manner that they are required to account for and pay the Duties raiſed to defray the Publick Charge of this Province, to be by ſuch Treaſurers accounted for and paid to the Right Honourable *Benedict Leonard* Lord *Baltemore*, Proprietary of this Province, in caſe he ſhall be favourably pleaſed to accept the ſame, in Conſideration of his receiving his Quit Rents and Alienation Fines, during the Continuance of this Act, in Tobacco, at the Rate of Two Pence *Sterling per* Pound, after ſuch Acceptance by his ſaid Lordſhip, ſhall be duly ſignified to this Province: And in caſe his ſaid Lordſhip ſhall not think fit to accept thereof in manner aforeſaid, then the ſaid Duties to be apply'd toward the Defraying the Publick Charge of this Province.

PROVIDED always, That in caſe his Lordſhip accept of the ſaid Duty of Eighteen Pence *per* Hogſhead, on the Conſideration aforeſaid, that then and in ſuch caſe it ſhall and may be lawful for his ſaid Lordſhip to nominate and appoint ſuch Officer or Officers for the Collection thereof, as to his ſaid Lordſhip ſhall ſeem meet.

PROVIDED alſo, That from and after the End of this preſent Seſſion of Aſſembly, in caſe of Shipwrack, or taking any Ship or Ships, Veſſel or Veſſels, ſo that the Tobacco therein loaden be loſt, before the Delivery of the Ship or Veſ-

ſel

ſel at the intended Port; then the Maſter, Merchant, or other Owner of ſuch Tobacco, ſo laden and loſt, as aforeſaid, ſhall have the Liberty to ſhip, at ſome other time, ſo many Hogſheads of Tobacco, as had formerly paid Impoſt Money for, as aforeſaid, free and clear of the aforeſaid Impoſitions.

Paſs'd June 3*d*, 1715.

An Act to confirm and make valid in Law, all Manner of Proceſs and Proceedings in the ſeveral Courts of this Province, from the Demiſe of Her late Majeſty Queen Anne, *of Pious Memory, to the End of this preſent Seſſion of Aſſembly.* No. 88.

WHEREAS by the great Diſtance between this Province and the Kingdom of *Great-Britain*, it was not poſſible to have Notice of the Demiſe of our late Sovereign Lady Queen *Anne*, of Pious Memory, which happened on the Firſt of *Auguſt* laſt, until ſeveral Months were elapſed, during which Space of Time many and various Proceedings were had and made in the ſeveral Courts of Juſtice in this Province, and Judgments, Decrees, and Sentences, awarded on ſundry Writs, Pleas, Indictments, Informations, Bills, Suits, and Actions, in Her ſaid Majeſty's Name, and by Her Authority, which, by reaſon of His preſent Majeſty, our now Sovereign Lord King *George*'s Acceſſion to the Crown, which could not be notified, are ſubject and liable to be reverſed by Writs of Error, or otherwiſe: Wherefore this General Aſſembly do Humbly pray, that it may be Enacted, And be it Enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of His Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That all Writs, Pleas, Proceſs, Actions, Bills, Suits, Indictments, Informations, Judgments, Decrees, and Sentences, given or awarded of and concerning any Matter or Thing whatſoever, which was ſued or proſecuted to Judgment in any of the Courts of Record, Chancery, Commiſſaries, and Admiralty Courts, within this Province, any time or times from the Demiſe of Her late Majeſty Queen *Anne*, of Bleſſed Memory, to the End of this Seſſion of Aſſembly, notwithſtanding the Demiſe of the ſaid Queen, or the Want of any Juriſdiction or Authority in the ſaid Courts, ſhall be good and effectual in Law to all Intents, Conſtructions, and Purpoſes whatſoever. Provided always, That this Act, nor any thing therein contained, ſhall not be conſtrued to extend to take away ſuch Errors in Law, as ſhall or may ariſe upon the Miſuſing of Proceſs, Miſpleading, and erroneous Rendring of Judgment in Point of Law: But in all ſuch Caſes, the Parties grieved may have their Writ or Writs of Error upon ſuch erroneous Judgments, as they might have had before the Making of this Act.

Paſs'd June 3*d*, 1715.

Nº 89. *An Act, Impowering a Committee to lay, aſſeſs, and apportion the Publick Levy for this preſent Year Seventeen hundred and Fifteen.*

WHEREAS this preſent General Aſſembly have, for the Defraying the Publick Charges of this Province, to the Twenty eighth Day of *May*, One thouſand ſeven hundred and fifteen, raiſed a certain Sum of Tobacco and Money, amounting to the Sum of Three hundred ſixty eight thouſand two hundred and ſixty Pounds of Tobacco, and One hundred ninety ſix Pounds Nine Shillings and Four Pence Current Money; but by reaſon more Publick Charges may ariſe and grow due before the uſual and accuſtomed Time of Payment, which is the Tenth Day of *October* yearly, at which time again to call and convene the whole Aſſembly for that Occaſion, only conſidering the great Number of them, and the Remoteneſs of their Habitations from the Place appointed, would be very Chargeable and Troubleſom to the whole Province in general; for Prevention whereof, Be it Enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of His Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That Colonel *Edward Lloyd*, Lieutenant Colonel *Samuel Young*, Colonel *Thomas Addiſon*, and *Philemon Lloyd*, Eſq; of the Honourable Council; and *Robert Ungle*, Eſq; Captain *Thomas Kneman Greenfeild*, Captain *James Harris*, Captain *Daniel Mariartee*, Captain *Thomas Dent*, Mr. *Thomas Daſheild*, Major *Roger Woolford*, Colonel *John Mackall*, Major *James Philips*, Major *John Ward*, *Robert Tyler*, and *Solomon Clayton*, Gentlemen, of the Houſe of Delegates, or the major Part of them, be and appear at the City of *Annapolis* on the Twenty ſeventh Day of *September* next, then and there to lay and aſſeſs the ſaid Publick Levy already raiſed, and alſo to allow, levy, and aſſeſs, what further Charge may accrue, which to them may juſtly appear to be due from the Publick, not exceeding Three hundred thouſand Pounds of Tobacco, and Three hundred and fifty Pounds *Sterling*, and Six hundred and fifty Pounds Current Money, more than what is already raiſed; and likewiſe to apportion, order, and pay, out of the Publick Treaſury of this Province, the Sum of One hundred ninety ſix Pounds Nine Shillings and Four Pence Half-penny, Current Money of this Province, to the ſeveral Perſons, to whom the ſame ſhall be due, as by the Journal of the Committee of Accounts appears, and a fair Journal of all their Proceedings to be delivered to the Clerk of the Aſſembly, for Satisfaction of all Perſons therewith concerned, by the Twenty eighth Day of *October* next. And if it ſhall happen, that his Excellency ſhall pleaſe to convene an Aſſembly before the ſaid Twenty ſeventh Day of *September* aforeſaid, then this preſent Act, and all and every Clauſe therein contained, ſhall be void, and of no force.

Paſs'd June 3*d*, 1715.

An Act, declaring all the Laws heretofore made, which have been Re-enacted this Seſſion of Aſſembly, to be Repealed. N° 90.

WHEREAS ſundry Laws of this Province have been Re-enacted this preſent Seſſion, many whereof are not particularly Repealed by the Laws Re-enacting them: Therefore, the better to aſcertain what Laws are in force, It is hereby Declared and Enacted, And be it Enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of His Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That all ſuch Laws, or Acts of Aſſembly, heretofore made, which have been Conſidered and Re-enacted this preſent Seſſion, be, and are hereby declared to be Repealed, Abrogated, Null, and Void, to all Intents and Purpoſes whatſoever. Provided always, That nothing in this Act ſhall be conſtrued to extend to the Prejudice of any Action or Suit already commenced in any the Courts of this Province, but that the ſame ſhall and may be adjudged and determined in ſuch manner, as if this Act had not paſſed.

Paſs'd June 3*d*, 1715.

An Act for the Stay of Execution after the Tenth of May, *yearly.* N° 91.

WHEREAS many of the Inhabitants of this Province are and have been exceedingly grieved and burthened by Executions laid upon them in the Summer-time, when it is not poſſible to procure Effects for the Payment and Satisfaction of their Creditors, by means whereof they are oftentimes kept in Priſon a long time, and thereby diſabled from making and tending their Crops, to the Prejudice, if not Ruin, of many the Inhabitants of this Province, being thereby left deſtitute of any Means to ſatisfie their Creditors: For Prevention whereof for the future, Be it Enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of His Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That after the Tenth Day of *May*, in any Year, no Execution ſhall iſſue out of any Court of this Province, againſt the Body or Goods of any Perſon or Perſons, inhabiting within this Province, till the Tenth Day of *November* next, or until the Tenth Day of *November* in any Year enſuing, for any Debt or Debts, or upon any Action, Judgment or Judgments, ſued, had, or recovered, againſt the Inhabitants of or within this Province, in the Provincial or any County-Courts of this Province, for any Cauſe, Matter, or Thing, whatſoever: Provided ſuch Perſon or Perſons, againſt whom any ſuch Judgment is obtained, together with Two other Perſons, ſuch as the Juſtices ſhall approve of, come before One Juſtice or more of the Provincial-Court, or Two Juſtices, or more, of the reſpective County-Courts where ſuch Judgment is obtained, as aforeſaid, and ſhall confeſs Judgment for his Debt, and Coſts of Suit adjudged, with Stay of Execution till the Tenth Day of *November* next for this preſent Year, or until the Tenth Day of *November* in any other Year next following; which Confeſſion is to be made in Manner and Form following: That is to ſay;

YOU

YOU H. M. A. B. *and* C. D. *do confeſs Judgment to* E. F. *for the Sum of which Sum was recovered by the ſaid* E. F. *againſt* H. M. *on the Day of in the Court: The ſaid to be levied of your Bodies, Goods or Chattels, Lands or Tenements, for the Uſe of the ſaid* E. F. *in caſe the ſaid* H. M. *ſhall not ſatisfie and pay the ſaid* E. F. *the ſaid ſo, as aforeſaid, recovered againſt him, with the additional Coſts thereon, on the Tenth Day of* November *next.*

Which Confeſſion is to be ſigned by the Juſtice or Juſtices, before whom ſuch Confeſſion is to be made, and thereof procure Certificate under the Hand of the ſame Juſtice or Juſtices, before whom ſuch Judgment ſhall be confeſſed; and ſuch Certificate ſhall be a ſufficient *Superſedeas* to the Sheriff to forbear ſerving Execution upon the Body or Goods of the Perſon ſo obtaining ſuch Certificate: And if the Party be taken in Execution, before ſuch Certificate be produced, then ſuch Certificate, being obtained afterwards, as aforeſaid, ſhall be a ſufficient *Superſedeas* to the Sheriff to releaſe ſuch Perſon out of Priſon upon that Execution, the Party paying or giving Security to ſuch Sheriff for his due Fees for that Impriſonment; and the Juſtice or Juſtices, before whom ſuch Judgment ſhall be confeſſed, as aforeſaid, ſhall return the Judgment, ſo confeſſed, to the Clerks of the reſpective Courts, where the firſt Judgment was obtained, to be entred upon Record; for which Entry, the Clerk ſhall receive, as a Fee, Five Pounds of Tobacco, and no more: And that after the ſaid Tenth Day of *November*, it ſhall be lawful to take out Execution upon the Judgment, confeſſed as aforeſaid, without any *Scire facias*, or any other Delay, againſt either the Principal or the Security, or all or either of them, for ſuch Judgment, ſo confeſſed, as aforeſaid; any Law, Uſage, or Cuſtom, to the contrary in any wiſe notwithſtanding.

AND be it further Enacted by the Authority aforeſaid, that the Preſident, or Two Juſtices of any County-Court within this Province, may proceed to the Staying or Superſeding the Execution of any Judgment rendred, or to be rendred, in the Provincial-Court, as fully and effectually, to all Intents, Conſtructions, and Purpoſes, as any Juſtice of the Provincial-Court might or ought to do.

Paſs'd June 3*d*, 1715.

An

An Act for the Direction of the Sheriff's Office, and Reſtraining their Ill Practices within this Province. N° 92.

BE it Enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of His Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That no Sheriff, Under Sheriff, or Deputy Sheriff, ſhall ſeize any Tobacco unſtript, or ſeize or mark any Merchants or others Tobacco, received, marked, and nailed, for any Cauſe whatſoever, but only for Levies due to the Publick County and Pariſh, or for the Forty *per* Pole to the Miniſter. And the ſeveral Sheriffs are hereby impowered to break the Lock of any Tobacco-houſe, or other Houſes, where Tobacco is or ſhall be ſecured, with Deſign to prevent the ſaid Sheriff from ſeizing ſuch Tobacco for Levies and Dues, as aforeſaid: And any Sheriff, ſo ſeizing or marking any Hogſhead or Hogſheads of Tobacco, containing more than what is juſtly due, for Levies and Dues, as aforeſaid, without Satisfaction to the Perſon to whom ſuch Tobacco doth belong, as by giving Credit, or ſuffering him to take the Overplus out of ſuch Hogſhead of Tobacco, at the Choice of the Party paying or owing the ſame, ſhall pay for every ſuch Default the Sum of Two thouſand Pounds of Tobacco; one Half to His Majeſty, His Heirs and Succeſſors, for Support of Government, the other Half to the Party grieved; to be recovered in any Court of Record of this Province, by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoign, Protection, or Wager of Law, to be allowed. And if it ſhall ſo happen, that at any time any Sheriff ſhall ſeize any Hogſhead of Tobacco, which ſhall weigh more than ſuch Levy or Levies, or Dues, as aforeſaid, ſhall amount unto, if the remaining Part, due to the Party or Parties from whom they ſhall receive ſuch Levy or Levies, or Dues, aforeſaid, be the greater Quantity; then, and in every ſuch Caſe, the Sheriff or Sheriffs ſhall take out of the ſaid Hogſhead, ſuch Quantity or Quantities of Tobacco due to him for ſuch Levy or Levies, or Dues, as aforeſaid, and the ſaid Hogſhead, and the remaining Part of the Tobacco, ſhall be and remain with the Party or Parties paying the ſame: But if the remaining Part of ſuch Hogſhead of Tobacco, ſo ſeized, as aforeſaid, and belonging to the Party or Parties paying the ſame, ſhall be the leſs Quantity than is due to the ſaid Sheriff or Sheriffs, as aforeſaid; then, and in every ſuch Caſe, the Owner or Owners of ſuch Tobacco ſhall take out of the Overplus of ſuch Tobacco, and the Hogſhead, with the remaining Part, ſhall belong to the Sheriff or Sheriffs receiving the ſame.

AND whereas many Litigious Perſons have, and for the future may commence Actions of Treſpaſs upon the Caſe, rather out of Spite and Malice, than any real Cauſe of Action; and altho' they ſet not forth in the Original Writ the Cauſe of ſuch Action, yet lay the Damage to a vaſt Sum, to deter Perſons from being Bail: For Prevention whereof for the future, Be it Enacted by the Authority, Advice, and Conſent aforeſaid, That in all Actions of Treſpaſs upon the Caſe, where Damages are laid to be above Four thouſand Pounds of Tobacco, if no Declaration be ſent with the Writ, expreſſing the true Cauſe of Action, the Sheriff ſhall not require a Bail-Bond, exceeding the Sum of Eight thouſand Pounds of Tobacco, altho' the Damages be marked on the Writ for any greater Sum whatſoever: And any Sheriff offending herein, ſhall forfeit the Sum of Four thouſand Pounds of Tobacco; the one Half thereof to His Majeſty, His Heirs and Succeſſors, for the Support of Government, the other Half to the Party grieved; to be recovered in any Court of Record of this Province, by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoign, Protection, or Wager of Law, to be allowed.

AND to the End that Publick Creditors may be ſpeedily ſatisfied their Debts due from the Publick; Be it Enacted by the Authority, Advice, and Conſent aforeſaid, That every Publick Creditor within this Province ſhall be at his Election, to make Application to the Governor of this Province for the time being, to put ſuch Sheriff's Bond or Bonds in Suit, or otherwiſe may immediately have an Action of Debt againſt ſuch Sheriff, in any Court of Record within this Province, for ſuch Publick Tobacco as ſhall be due to ſuch Creditors.

AND to the End that no Officer, or other Perſon, may be ſurprized, or unjuſtly moleſted, either upon the Account of Payment or Collection of Publick Dues; Be it likewiſe Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That any Perſon or Perſons, having Publick Tobacco due to them, or Fees in any Sheriff's Hands to collect, and that do not ſignifie to ſuch Sheriff or Sheriffs their Dependance and Reſolution of making Uſe of the ſame, on or before the Twenty fifth Day of *December*, in the Year the ſame ſhall be due to him or them, ſhall not have, take, or demand, any Benefit or Advantage, by this Act allowed for that preſent Year, and ſo every Year ſucceſſively: Nor ſhall the Sheriff of any the reſpective County, levy, by way of Execution, any Publick Dues, or Officer's Fees, upon the Body, Goods, or Chattels, of any the Inhabitants of this Province; except they have made a Demand thereof, at or before the Twentieth Day of *February* for that preſent Year, and ſo every Year ſucceſſively.

AND be it alſo Enacted by the Authority, Advice, and Conſent aforeſaid, That any Sheriff within this Province, having in his Hands Publick Officers Fees to collect, ſhall not preſume to levy, by Execution upon the Body, Goods, and Chattels, of any the Inhabitants of this Province, any Fees, to him committed to collect, where the Perſon or Perſons, from whom ſuch Fees appear to be due, produce the former Sheriff's Receipt, or otherwiſe make appear the ſame to be paid, under the Forfeiture and Penalty of Treble the Sum executed, to the Party or Parties grieved; to be recovered, with Coſts, in any Court of Record within this Province, by Bill, Plaint, or Information, wherein no Eſſoign, Protection, or Wager of Law, to be allowed.

AND foraſmuch as Sheriffs Bonds have, of late Years, uſually been taken in the County-Courts, for the better Conveniency of Sheriffs getting Security: For Aſcertaining the Form whereof, for the future; Be it Enacted by the Authority, Advice, and Conſent aforeſaid, That all Sheriffs Bonds, hereafter to be taken throughout this Province, ſhall be made in Manner and Form following; That is to ſay:

Maryland ſſ. KNOW all Men by theſe Preſents, That we A. B. of County, in the Province aforeſaid, are Holden and firmly Bound to our Sovereign Lord King George, &c. in the full and juſt Quantity of Two hundred thouſand Pounds of good, ſound, merchantable Leaf-Tobacco and Cask, to be paid to His ſaid Majeſty, His Heirs and Succeſſors: To the which Payment well and truly to be made, we bind Ourſelves, and every of us, our and every of our Heirs, Executors, and Adminiſtrators, jointly and ſeverally, for the whole, and in the whole firmly by theſe Preſents.

Sealed with our Seals, and Dated the Day of in the Year of His Majeſty's Reign, *Annoq; Dom.* 17

THE

THE Condition of the above Obligation is ſuch, That if the above-bounden *A. B.* do well and truly ſerve His Sacred Majeſty, His Heirs and Succeſſors, in the Office of High Sheriff of the County of within the Province aforeſaid, and, in all Things, well and faithfully execute the ſame Office; and alſo ſhall render to His ſaid Majeſty, and His Officers, a true, faithful, and perfect Account of all and ſingular His ſaid Majeſty's Rights and Dues; and to His Officers, a true and juſt Account of their Fees, that he ſhall or may be intruſted with by His ſaid Majeſty's Governor, and other His Officers, within this Province, to receive and collect: And his Account to His Majeſty, His Heirs and Succeſſors, and to His and Their Governor here for the time being, for the Fines and Forfeitures, and other Dues, belonging to His ſaid Majeſty's Governor; as alſo his Account of all Fees, Dues, and Sums of Money or Tobacco, due to any the Good People within this Province, for any Sum or Sums of Money or Tobacco, wherewith the ſaid Sheriff ſhall be intruſted, during the Time of his Sheriffalty for this preſent or to ſuch of them as ſhall require the ſame, ſhall paſs and render, by the Tenth Day of *May* next, enſuing the Date hereof; and in all other Things, as Sheriff of the County of ſhall behave himſelf well and honeſtly towards all Perſons, according to the beſt of his Power, Skill, and Knowledge: Then this Obligation to be Void, and of no Effect, or elſe to ſtand in full Force, Strength, and Virtue.

Which ſaid Bond, taken in Form aforeſaid, if by the County-Court, the Commiſſioners thereof ſhall yearly tranſmit the ſame unto the Secretary's Office, within Two Months after the taking thereof: In Default whereof, the Commiſſioners of any County-Court, taking ſuch Bond, and not cauſing the ſame to be ſo tranſcribed, within the time aforeſaid, ſhall forfeit to His Majeſty, His Heirs and Succeſſors, Fifteen hundred Pounds of Tobacco; the one Half whereof ſhall be applied to the Support of Government, and the other Half to the Informer, or ſuch Perſon that will ſue for the ſame; to be recovered in the Provincial Court of this Province, wherein no Eſſoign, Protection, or Wager of Law, ſhall be allowed. And the ſaid Secretary, and his chief Clerk, of the Provincial-Court, ſhall be obliged at the next Council, after receiving any Sheriff's Bond or Bonds into the Secretary's Office, to lay the ſame before his Excellency the Governor of this Province for the time being, for his Approbation or Diſallowance of the Securities taken by the County-Courts. And the ſaid Commiſſioners are hereby required and injoined to take new Securities yearly, and every Year, of ſuch Sheriffs, ſo long as they ſhall continue in the ſaid Office, and tranſmit the ſame, as aforeſaid; having a ſpecial Regard, not to admit any Perſon to be Security, as aforeſaid, but ſuch as are good and ſubſtantial Freeholders within their Counties; and alſo to make the Obligation of ſuch Bond, ſo to be taken from any Sheriff, anſwerable to the Publick Charge of their reſpective Counties; which Penalty ſhall not be leſs than Two hundred thouſand Pounds of Tobacco, as aforeſaid.

AND for the Encouragement of ſuch Perſons, now bearing, or that ſhall hereafter bear the Office of Sheriff, and who ſhall punctually comply with the Publick Creditors: It is alſo hereby further Enacted by the Authority, Advice, and Conſent aforeſaid, That it ſhall and may be lawful for His Majeſty's Governor for the time being, where no juſt Complaint is made againſt ſuch Sheriffs, to continue and make good their Commiſſion for the Time and Term of Three Years ſucceſſively, but no longer.

AND be it further Enacted, by and with the Advice and Conſent aforeſaid, That if any High Sheriff or High Sheriffs, being indebted to any Perſon or Perſons, ſhall refuſe to diſcount or allow the ſame out of any Publick or County Levy,

Levy, due from ſuch Perſon or Perſons, but will, notwithſtanding the ſame Debt being due from the Sheriff, take the Body or Goods of ſuch Perſon in Execution, ſhall be liable to be proſecuted in an Action of Treſpaſs, or Falſe Impriſonment, as the Caſe ſhall require.

And be it further Enacted, That the High Sheriff of every reſpective County ſhall be liable to be ſued, as aforeſaid, for his own, or any of his Deputy's, Offence or Offences againſt this Act, and the Debts mentioned, which the Sheriffs may owe to any Inhabitant, are to be underſtood of ſuch Debts, as are aſſigned to the Inhabitants in the Publick County, or Pariſh Levy, or Forty *per* Pole, as aforeſaid; or due from the High Sheriff, by Bill, Bond, Note, or Account proved; any Law, Uſage, or Cuſtom, to the contrary notwithſtanding.

And whereas there have been divers great Complaints from ſeveral Parts of this Province to this General Aſſembly of ſeveral Sheriffs and Sub-Sheriffs, that have exacted and extorted great Sums of Tobacco, above their due and lawful Fees aſcertained by the Acts of Aſſembly of this Province, from ſeveral the Inhabitants thereof: And tho' the Laws of this Province have inflicted a ſevere Penalty upon any Officer that ſhall charge and receive more than his due Fees; yet the ſaid Officers have moſt cunningly and craftily evaded the ſaid Laws, by taking Bills or Writings Obligatory, without ever delivering any Account, ſigned under their Hands, as the Law directs, ſo that the Party grieved cannot ſufficiently prove the ſaid Extortion, and is thereby left without Remedy: For Prevention whereof, Be it Enacted by the Authority, Advice, and Conſent aforeſaid, That no Sheriff or Sub-Sheriff, within this Province, after the Publication of this Act, in their ſeveral and reſpective Counties wherein they dwell, ſhall take any Bond, Bill, or any other Writing Obligatory, of any Perſon or Perſons, upon any Pretence whatſoever, without Indorſing the Account on the Back of the ſaid Bond, Bill, or Writing Obligatory, for which the ſame was paſſed. And if any Sheriff or Sub-Sheriff, within this Province, ſhall, during the time that he remains in his Place or Office, upon any Pretence whatſoever, take any Bill, Bond, or Writing, Obligatory, without Indorſing the Account on the Back of the ſaid Bond, Bill, or Writing Obligatory, as aforeſaid, by which it may appear upon what Conſideration the ſame was taken, the ſaid Bond, Bill, or Writing Obligatory, ſhall be Void, and of no Effect; and the Officer or Officers that took the ſame ſhall loſe his Debt, and for ever be debarr'd of ſuing any other Action for the Recovery of the ſame; any Law, Statute, or Uſage, to the contrary in any wiſe notwithſtanding.

And that whereas the ſaid Officers are prohibited from taking Bills, upon any Pretence whatſoever, otherwiſe than as is directed by this Act, during the time they remain in Office: To the Intent the ſaid Officers may receive no Damage by the Act of Aſſembly for the Limitation of Actions; Be it further Enacted by the Authority aforeſaid, That the time the ſaid Officers remain in Office ſhall not be reckoned or accounted in the Act of Limitation.

And that whereas it hath been the Practice of ſeveral Sheriffs of this Province, where a Perſon hath been in Priſon at the Suit of Two or Three ſeveral Perſons, or hath lain for the Satisfaction of Two or more ſeveral Judgments, for the Sheriff to charge Impriſonment Fees for each Action or Judgment; For Prevention whereof for the future, Be it Enacted by the Authority aforeſaid, That it ſhall not be lawful for any Sheriff within this Province, to take any more Fees for keeping any Priſoner, tho' he be impriſoned at the Suit of Two or Three ſeveral Perſons, or for ſeveral Judgments, than if he was impriſoned only at One Suit, or for One Cauſe, under the Pains and Penalties mentioned in the Act of Limitation of Officers Fees againſt the Offenders thereof.

And be it further Enacted, That a certain Act of Aſſembly of this Province, Intituled, *An Act Reſtraining the Extortions of Sheriffs, Sub-Sheriffs, and Deputy Commiſſaries*; made at a Seſſion of Aſſembly, begun and held at at the City of *Annapolis*,

Annapolis, the Twenty ſixth Day of *April*, *Anno Dom.* One thouſand ſeven hundred and four; and one other Act of Aſſembly, Intituled, *An Act of Directions for the Sheriff's Office in this Province; and for the more eaſy Payment of the Publick and County Levy;* made at a Seſſions of Aſſembly, begun and held at the City of *Annapolis*, the Twenty ſecond Day of *October*, *Anno Dom.* Seventeen hundred and thirteen, be and are hereby repealed and made void.

Paſs'd June 3*d*, 1715.

An Act for the Appointing Conſtables, and what relates to their Office; and Aſcertaining what Perſons are Taxables. No. 93.

BE it Enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of His Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That the Juſtices of the Peace in every reſpective County of this Province, at the Firſt County-Court held after *Michaelmas*, ſhall appoint Conſtables in each hundred of their ſeveral and reſpective Counties; and the ſaid Conſtables, ſo appointed, ſhall, before they enter into that Office, take the ſeveral Oaths appointed to be taken by all Officers by the Acts of Aſſembly of this Province, and the Oath of a Conſtable, in Form following: That is to ſay;

YOU A. B. *ſhall well and truly ſerve our Sovereign Lord the King in the Office of a Conſtable. You ſhall ſee and cauſe that His Majeſty's Peace be well and duly kept, according to your Power. You ſhall arreſt all ſuch Perſons, as, in your Preſence, ſhall commit any Riot, Fray, or other Breach of His Majeſty's Peace. You ſhall do your beſt Endeavour, upon Complaint to you made, to ſeize all Felons, Barretors, Rioters, or Perſons riotouſly Aſſembled: And if any ſuch Offender ſhall make any Reſiſtance with Force, you ſhall levy* Hue and Cry, *and cauſe them to be purſued, ſo as they may be taken. You ſhall do your beſt Endeavour that* Hue and Cry *be duly raiſed and purſued againſt Murderers, Thieves, and other Felons, and Fugitive Servants; and the Laws and Orders againſt Vagabonds, and ſuch other idle Perſons, coming within your Limits, be duly put in Execution at your County-Courts. You ſhall, ſo far as in you lies, put in Execution the Act of Aſſembly againſt Profane Curſing, Swearing, and Drunkenneſs; and alſo true Preſentment make of all Bloodſheds, Affrays, Outcrys, Reſcues, and other Offences committed againſt His Majeſty's Peace within your Limits. You ſhall well and truly execute all Precepts and Warrants to you directed from the Juſtices of the Peace of this County, or higher Officers. And you ſhall well and truly,*

according to your Power, Knowledge, and Ability, do and execute all Things belonging to the Office of a Conſtable, ſo long as you ſhall continue in this Office.

So Help you GOD.

And if the Perſon or Perſons, ſo appointed, ſhall, before any Juſtice of Peace, refuſe to take the ſeveral Oaths aforeſaid, or ſhall refuſe to provide a ſufficient Perſon to ſupply his Place, by ſerving in the ſaid Office, and taking the Oaths aforeſaid; that then ſuch Perſon, ſo refuſing, ſhall be fined to His Majeſty, His Heirs and Succeſſors, in the Sum of Five hundred Pounds of Tobacco, toward the Defraying the Publick Charge of that County; and that ſuch Juſtice of Peace, before whom ſuch Refuſal ſhall be made, ſhall iſſue his Warrant to the Sheriff to levy the ſaid Fine by Diſtreſs and Sale of the Goods and Chattels of ſuch Perſon, ſo fined, as aforeſaid, returning to him the Overplus; which ſaid Sheriff is hereby impowered and required to levy the ſame accordingly, and render an Account thereof to the Juſtices of the Peace of that County, at the time of laying the County Levy.

AND be it Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That every Conſtable ſhall, on or before the Twentieth Day of *June*, in every Year reſpectively, repair in Perſon to every Houſe or Habitation within his Hundred, and there require of the Maſter, Miſtreſs, Dame, or other chief Perſon of the Family, a true Liſt, from under their Hands, of all their Taxable Perſons, diſtinctly to be named, they and every of them have within their reſpective Families: Out of which Liſt, the ſaid Conſtable ſhall make Two fair Liſts under his Hand, and One he ſhall ſend to the Sheriff of the County, and the other he ſhall preſent to the next County-Court, to be ſet up. And in caſe any Maſter, Miſtreſs, Dame, or other chief Perſon of a Family, ſhall refuſe, deny, or delay, to give ſuch Liſt, or, in their Abſence, leave at their Dwelling-houſes or Quarters ſuch Liſt, and Account of their Taxable Perſons of their ſeveral Families; or in their ſaid Accounts ſhall conceal any Taxable Perſon or Perſons in his or their Family; for every ſuch Offence, or not giving a true Liſt or Account of them, as aforeſaid, to the Conſtable, by the time required, and for every Taxable Perſon by them concealed, ſhall forfeit and pay the Sum of Five hundred Pounds of Tobacco for every ſuch Offence; one Half thereof to His Majeſty, His Heirs and Succeſſors, for the Support of Government; and the other Half to the Informer, or him or them that will ſue for the ſame; to be recovered in any County-Court within this Province, by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoign, Protection, or Wager of Law, to be allowed.

AND for the better Aſcertaining what Perſons are and ſhall be deemed Taxables, and what not; Be it Enacted, That all Male Perſons, Reſidents in this Province, and all Female Slaves therein, of the Age of Sixteen Years, or above, ſhall be accounted Taxables; except Clergymen of the Church of *England*, having Benefices within this Province; and likewiſe ſuch Poor People as receive Alms from the County; and alſo all ſuch Slaves as ſhall be adjudged by the County-Courts to be paſt Labour, who are hereby exempted; any Law, Uſage, or Cuſtom, to the contrary notwithſtanding.

AND be it further Enacted by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid, That all Conſtables, within this Province, ſhall obey, and are hereby obliged to execute all Warrants and Precepts to them directed from any Juſtice or Juſtices within this Province, touching or concerning any Matter, Debt, or Demand, between Party and Party: And ſuch Conſtable ſhall and may have, take, exact, and receive, from the Party complaining, a Fee of Two Shillings and Six Pence Current Money, or Thirty Pounds of Tobacco, for ſerving all the Precepts relating to any one Action, Matter, or Demand,

Demand, and no more. Provided, That where ſeveral Conſtables are to be imployed in executing Precepts, relating to one and the ſame Matter or Demand, the Juſtice, before whom ſuch Matter or Demand is determined, ſhall and may direct what Fees, not exceeding Two Shillings and Six Pence, or Thirty Pounds of Tobacco, each Conſtable ſhall have: Which Fee or Fees are to be levied, by way of Execution, on the Party complaining, and to be allowed the Party Recovering in his Coſts.

Paſs'd June 3*d*, 1715.

An Act, Appointing certain Days, on which the ſeveral and reſpective County-Courts within this Province are to be Held. N° 94.

TO the Intent that Court-Days may be Aſcertained, and the Commiſſioners of, and Suitors to the County-Court may know when to attend; Be it Enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of His Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame, That for the future there ſhall be held Four County-Courts in the Year; *viz. Talbot, Baltemore*, and St. *Mary*'s Counties, the firſt *Tueſdays* in *March, June, Auguſt*, and *November*; *Dorcheſter, Cæcil, Ann Arundel*, and *Charles* Counties, the ſecond *Tueſday* in *March, June, Auguſt*, and *November*; in *Kent, Calvert*, and *Somerſet* Counties, the third *Tueſday* in *March, June, Auguſt*, and *November*; in Queen *Anne*'s and Prince *George*'s County, the fourth *Tueſday* in *March, June, Auguſt*, and *November*: And that any Two Juſtices of the ſeveral and reſpective County-Courts aforeſaid, whereof One to be of the *Quorum*, ſhall have full Power and Authority, when, and as often as need ſhall require, to adjourn the ſaid County-Courts Proceſs and Proceedings therein depending, to ſuch ſhort time after, as they ſhall ſee convenient: And that the ſeveral Juſtices of the reſpective County-Courts ſhall, from the End of *June* Court next, adjourn their ſeveral Courts to the ſeveral Days hereby appointed: And that One former Act of Aſſembly of this Province, Intituled, *An Act appointing Court-Days in each reſpective County within this Province*, and every Clauſe therein, be and are hereby Repealed.

Paſs'd June 3*d*, 1715.

FINIS.

FH
MVSEVM
BRITANNICVM